(1) 52 (3.26 percent): The United States should withdraw from the U.N.

(2) 111 (6.95 percent): The United States should stay in the U.N. but place decreasing importance on membership, because the U.N. is too weak and divided to keep the peace.

(3) 466 (29.20 percent): The United States should continue to work through the U.N. as it does today and try to improve gradually the U.N.'s existing machinery for the peaceful settlement of disputes.

(4) 381 (23.87 percent): The United States should attempt through amendment of the present U.N. Charter or otherwise to give the U.N. additional authority to prevent war by peaceful means, or by force if necessary.

(5) 538 (33.71 percent): The United States should work to change the U.N. into an International Governmental Organization of all countries with authority to keep the peace through a system of enforceable world law against aggression, binding on all nations and all people.

(6) 41 (2.57 percent): Other (spell out).

(7) 7 (0.55 percent): Haven't made up my mind.

Total, 1,596.

4. The administration has proposed that the Federal Government encourage and finance construction and stocking of a $5 billion community fallout shelter program to provide 220 million fallout shelter spaces by 1967 (70 million spaces in the coming year at a cost of $70 million). Fallout shelters offer protection against radiation fallout outside the blast area of the nuclear explosion, but they will not protect against blast effects (impact, fire, heat, etc.). What is your view about this proposal? (Check one.)

(1) 276 (17.40 percent): Administration program is sound.

(2) 231 (14.56 percent): Administration program is inadequate and a much greater civil defense effort should be made.

(3) 716 (45.15 percent): Administration program is unwise because civil defense cannot provide any real protection against nuclear attack.

(4) 221 (13.93 percent): Other (spell out).

(5) 142 (8.95 percent): Haven't made up my mind.

Total, 1,586.

5. Is there a special office in the executive branch of the Federal Government concerned primarily with disarmament and arms control? (Check one.)

(1) 423 (29.38 percent): Yes. (Name of office, 77 (18.20 percent).)

(2) 206 (14.31 percent): No.

(3) 811 (56.32 percent): Don't know.

Total, 1,440.

6. Should the Communist Chinese participate in disarmament or arms control negotiations between the United States, the U.S.S.R., and other countries? Yes, 747 (52.75 percent); no, 600 (42.37 percent); no opinion, 69 (4.87 percent); total, 1,416.

(b) If Communist China is admitted to the United Nations, should the United States leave the U.N.? Yes, 196 (13.43 percent); no, 1,226 (84.03 percent); no opinion, 37 (2.54 percent); total, 1,439.

SENATE

THURSDAY, APRIL 26, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. E. L. BARTLETT, a Senator from the State of Alaska.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of our salvation, for this still moment we would hush all other sounds save that of the divine knocking and the entreating voice which reaches us through all the stubborn self-willed barriers which we erect: "If any man will open the door, I will come in."

We know that when Thou dost really enter, things which are unlovely and unclean cannot stay to embitter and pollute. So we look upward in our morning prayer that in a continual sense of Thy presence we may be delivered from the fret and fever of today's demands upon us, from the world's discordant noises, and from the praise or blame of men, so that on this day—and every day which may be granted us—appointed tasks may be met with purity of purpose, without moral compromise or craven fear.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 26, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. E. L. BARTLETT, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BARTLETT thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 25, 1962, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPOSED M–1 LIQUID HYDROGEN/OXYGEN ENGINE

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the proposed M–1 liquid hydrogen/oxygen engine, to be used in the second stage of the Nova space vehicle; to the Committee on Aeronautical and Space Sciences.

EXTENSION OF REGULATORY AUTHORITY UNDER TERMS OF THE CONVENTION FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31 1949, and for other purposes (with accompanying papers); to the Committee on Commerce.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Council of the City of Whitehall, Ohio, favoring the enactment of legislation which would permit public employees to be covered by the Federal Social Security Act, as self-employed persons, which was referred to the Committee on Finance.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. SALTONSTALL, from the Committee on Armed Services, without amendment:

S.J. Res. 175. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy at Annapolis two citizens and subjects of the Kingdom of Belgium (Rept. No. 1359).

By Mr. BARTLETT, from the Committee on Armed Services, without amendment:

S.J. Res. 129. Joint resolution authorizing the Secretary of the Air Force to admit a citizen of the Kingdom of Thailand to the U.S. Air Force Academy (Rept. No. 1360).

By Mr. ENGLE, from the Committee on Armed Services, without amendment:

H.R. 9752. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Greece in 1963, and for other purposes (Rept. No. 1361).

By Mr. ENGLE, from the Committee on Armed Services, with an amendment:

S. 2719. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Greece in 1963, and for other purposes (Rept. No. 1362).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. CANNON. Mr. President, from the Committee on Armed Services, I report favorably 19 nominations. I ask unanimous consent that these names be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. The names will be placed on the Executive Calendar, as requested by the Senator from Nevada.

The nominations are as follows:

Maj. Gen. Charles Hartwell Bonesteel 3d, Army of the United States (brigadier general, U.S. Army); and Maj. Gen. Louis Watson Truman, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, to serve in the rank of lieutenants general;

Lt. Gen. Alan Shapley, U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Carson A. Roberts, U.S. Marine Corps, to be assigned to a position of importance and responsibility designated by the President, to serve in the grade of lieutenant general while so serving;

Lt. Gen. Lionel Charles McGarr, Army of the United States (major general, U.S. Army), and Lt. Gen. Arthur Gilbert Trudeau, Army of the United States (major general), U.S. Army, to be placed on the retired list in the grade of lieutenants general;

Lt. Gen. Robert Jefferson Wood, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to serve in the rank of general while so serving;

Maj. Gen. John Hersey Michaelis, Army of the United States (colonel, U.S. Army); Maj. Gen. William White Dick, Jr., Army of the United States (brigadier general, U.S. Army); and Maj. Gen. Dwight Edward Beach, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, to serve in the rank of lieutenants general while so serving; and

Brig. Gen. Earnest H. Briscoe, Ohio Air National Guard, and sundry other officers, for appointment as Reserve commissioned officers in the U.S. Air Force.

Mr. CANNON. Mr. President, in addition, I report favorably 7,779 appointments and promotions in the Air Force, Navy, Marine Corps, and Army. All of these names have already appeared in the CONGRESSIONAL RECORD, and in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk, for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations ordered to lie on the table are as follows:

Richard W. Abele, and sundry other persons, for appointment in the Regular Air Force;

Emmert M. Aagaard, and sundry other officers, for promotion in the Regular Air Force;

Warren R. Abel, and sundry other midshipmen (Naval Academy), for appointment in the U.S. Navy;

Randy "J" Collins, and sundry other persons, for appointment in the U.S. Marine Corps; and

Kenneth M. Abagis, and sundry other officers, for promotion in the Regular Army of the United States.

By Mr. RUSSELL, from the Committee on Armed Services:

Justice M. Chambers, of Maryland, to be Deputy Director of the Office of Emergency Planning.

By Mrs. SMITH of Maine, from the Committee on Armed Services:

Brig. Gen. Philip P. Ardery, Air Force Reserve, and sundry other officers, for appointment in the Air Force Reserve.

By Mr. BUSH, from the Committee on Armed Services:

Brig. Gen. George Justus Hearn, and sundry other Army National Guard of the U.S. officers, for appointment as Reserve commissioned officers of the Army; and

Brig. Gen. Chester Pilgrim Hartford, and sundry other officers, for promotion as Reserve commissioned officers of the Army.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON:

S. 3221. A bill to provide for the exchange of certain lands in Puerto Rico; to the Committee on Armed Services.

By Mr. McCARTHY:

S. 3222. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Finance.

(See the remarks of Mr. McCARTHY when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART:

S. 3223. A bill for the relief of Haralambos Mavritsakis; to the Committee on the Judiciary.

By Mr. ERVIN (for himself and Mr. JORDAN):

S. 3224. A bill to declare that the United States holds certain lands on the Eastern Cherokee Reservation in trust for the eastern band of Cherokee Indians of North Carolina; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

AMENDMENT OF RESOLUTION CREATING THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. CAPEHART submitted a resolution (S. Res. 333) amending the resolution creating the Select Committee on Small Business, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CAPEHART, which appears under a separate heading.)

PROPOSED CHANGES IN GRADUATED INCOME TAX RATE SCALE

Mr. McCARTHY. Mr. President, while the Committee on Finance is currently conducting hearings on H.R. 10650, which deals with a number of important provisions in the tax code, it has been indicated that the Treasury intends to send additional tax recommendations either later in this session of Congress or early in the next session.

These new recommendations, it is indicated, will deal particularly with the base upon which income taxes are imposed and also will propose changes in the existing graduated rate scale. Both of these are in need of attention and of change.

The entire graduated rate scale should be reworked, the code should be simplified, and realistic deductions for married persons and for the costs of rearing children should be provided. The Congress has never made the adjustments which were called for following the adoption of the split-income principle. Congress should not wait for a new tax law or for major revisions to correct some of the obvious inequities which have become manifest.

One of these is the undue burden which the existing rate scale places upon a single person. There are about 18 million single persons in the United States who are 35 years of age and older. Of these 13 million are women. Many of these have established households and have the same expenses for rent and utilities and the like as does the head of any household.

A single taxpayer making $6,000 pays a tax of $1,360. A head of household making $6,000 pays $1,300—$60 less.

A single taxpayer earning $8,000 pays $1,960.

A head of household earning $8,000 pays $1,840, or $120 less.

A single taxpayer earning $12,000 pays $3,300.

A head of household earning $12,000 pays $3,060, or $240 less.

Under the present law, some unmarried persons are considered heads of households for tax purposes if certain conditions are met, such as providing residence for dependent father, mother, or child.

Many single persons maintain households, however, in which parents or dependent children may live only part of the year. The children may be at school, or the parent may choose to live alone. In many cases, the single person must maintain a household, because of business or because of place or position in society, simply for the sake of decency and convenience in living.

This problem is, I believe, more serious for the single women. Their need for privacy and for permanence is greater than that of the single men. Most of the latter who have reached age 35 have, in fact, founded a household.

Legislation to take account of the special circumstances of those over 35 has become more important because of the great increase of women in the labor force.

Today, one-third of the labor force is feminine. In March 1961, there were 24.2 million women in the civilian labor force, of whom 5.7 million were single, 13.3 million were married and living with their husbands, and 5.3 million had other marital status—widowed, divorced, or married spouse absent. Of the women in the labor force who were 35 years of age or over, 1.6 million were single, 9.1 million were married, and 4.3 million had other marital status.

In the interest of justice and of equity, our tax law should recognize this situation. Therefore, I introduce a bill to amend the present tax law, so as to accomplish this purpose. I ask unanimous consent that the bill lie at the desk for 10 days, so that other Senators who may wish to join me in sponsoring this proposed legislation may indicate their support.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 3222) to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years of more, introduced by Mr. McCARTHY, was received, read twice by its title, and referred to the Committee on Finance.

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Women at Work."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMEN AT WORK

(By Francis X. Quinn, S.J.)

THE FACTS

The average woman worker of today is a 40-year-old married woman. Her counterpart of the 1920's was only 28 and single. Employment of women has expanded: One-third of today's labor force is feminine. If teenagers and plus-65'ers are excluded, 1 out of every 3 women is working. When the Women's Bureau of the United States was established 41 years ago, only one-fifth of our total workers were women, and less than 1 out of 4 women worked. Today the female work force has increased from 8¼ million to more than 22½ million and there is no decline in view. The Department of Manpower predicts that there will be more than 30 million women working in 1970. Therein lies our tale. (See following table entitled "Percent of Women in Each Age Group Who Will Be in the Labor Force in 1970.")

The position of women in the economy has many moral implications. These include the question of proper wages and working conditions, the effect on the home, and the impact on the manpower profile in general.

Women are frequently paid lower wages than men; women are used to supplant male workers and thus depress the wage rate. Women need special consideration in the matter of working conditions. With moving eloquence and insight, Pope Pius XII noted that a woman cannot be happy in a social order which does violence to her nature.[1] If she is forced to do work more suitable for the masculine temperament, she does violence to her nature and becomes frustrated and unhappy.

The influx of wives into the labor force, particularly those who return to work after their children reach school age, is indicative of a mounting drive for gainful employment where child care does not require a woman's presence at home. More and more, the typical work pattern for women is to remain in employment continuously, except for a break of 10 to 15 years in the childbearing period. The back-to-work movement among mothers of older children accounts in large part for a rise in the average age of working women from 26 years in 1900 to 32 years in 1940, to 37 years in 1950, and to 40 years in 1960.[2]

[1] Pius XII, "On Woman's Duties," Oct. 21, 1945.

[2] "1960 Handbook of Women Workers," U.S. Department of Labor, Women's Bureau, Bulletin No. 275, p. 28.

Age distribution of women in the population and labor force, 1960 and 1940

Age group	1960		1940	
	Population	Labor force	Population	Labor force
All women (in thousands)	64,096	23,239	50,140	13,840
Percent	100	100	100	100
14 to 44 years:				
14 to 17 years	9	4	10	3
18 to 24 years	12	16	17	28
25 to 34 years	18	18	21	28
35 to 44 years	19	23	18	19
45 years and over:				
45 to 54 years	16	22	15	13
55 to 64 years	12	13	10	7
65 years and over	13	4	9	2

Even young mothers are going into the labor force with more frequency. More than 18 percent of the mothers of preschool children now work, compared with 7 percent in 1940. The labor force today includes approximately 6½ million women with children under 18; 2½ million of this group have at least one child less than 6 years old.

Concern is frequently expressed over the effect which the influx of women into the working community has on family life. Some educators believe that schools should put more stress on the social values of homemaking in the present-day society. Sloan Wilson has complained that "young girls are steered into careers by schools and colleges"; that careers for women are being glamorized out of proportion; and that the work of a good wife is being made to appear far more drab than it actually is.[3] Two weeks later in the same magazine, Bernice Fitz-Gibbon countered that women who work not only engage in productive labor to aid the family, as in the days when they did spinning, weaving and baking in the home, but also usually become "warmer, more loving, more understanding, more dedicated wives." Whatever the merits of this longstanding debate, it is clear that women have become a fixed and irreplaceable factor in the national economy and that their role therein is likely to grow rather than decrease in importance. Government recognition of this fact was implicit in the creation in September 1954 of the Office of Assistant to the Secretary of Labor for Womens' Affairs.

An analysis of women workers in 1960 reveals:

1. That more than half of all women workers are married women who are living with their husbands;

2. Five million women workers have children between the ages of 6 and 17 years only. Almost 3 million women workers have young children under 6 years of age; many of these women also have children 6 to 17 years of age;

3. In 4½ million families (1 family in 10) the family head is a woman. Half of the women heads are in the labor force;

4. Of some 29 million women who worked at some time during 1959, about 14 million either worked at part-time jobs or worked at full-time jobs for half of the year or less;

5. Of a total of over 22 million employed women workers in April 1960, clerical jobs accounted for 6½ million. Between 2 and 3⅓ million women were employed in each of four other broad occupational groups, as factory and other operatives; service workers (such as waitresses, beauticians, and practical nurses); professional and technical workers; and private household workers.

6. These nine large specific occupations employed nearly half of the women workers in April 1960: stenographers, typists, secretaries; operatives in nondurable goods manufacturing; sales workers in retail trade; teachers (except college); waitresses, cooks, etc. (other than private-household); operatives in durable goods manufacturing; medical and other professional health workers; farm laborers (unpaid family); proprietors in retail trade.[4]

Disparity in earnings of the two sexes has existed since women took up employment outside the home.[5] The first jobs open to women in large numbers were low paying and frequently menial. A study sponsored by the Twentieth Century Fund revealed that earnings of women as distinct from rates of wages paid had been "half those of men and earnings of Negro women half those of white women."[6] Latest census figures support those general observations.

Percent of women in each age group who will be in the labor force in 1970 [1]

[Approximate percentage]

Age group:	
14 to 19	29
20 to 24	45
25 to 34	39
35 to 44	48
45 to 54	54
55 to 64	43
65 and over	12

[1] By 1970, there will be about 30 million women workers, 6 million more than in 1960. This represents a 25-percent increase for women, as compared to a 15-percent increase for men. One out of every 3 workers will be a woman. Except for teenage girls (most of them still in school) and women 65 and over (most of them either retired or past working age), at least 2 out of every 5 women will be in the labor force.

Median earnings of all women in 1958 (latest year for which detailed information on income of individuals and families is available) was $2,340.

Median income of women workers, by work experience, 1958 [1]

Length of work experience in 1958	Full-time jobs		Part-time jobs	
	Number	Median income	Number	Median income
	Thousands		*Thousands*	
Total	17,821	$2,340	6,575	$481
50 to 52 weeks	9,863	3,101	1,928	904
40 to 49 weeks	2,119	2,403	771	932
27 to 39 weeks	1,904	1,846	725	643
14 to 26 weeks	1,898	1,074	1,248	436
13 weeks or less	2,037	369	1,903	303

[1] Source: U.S. Department of Commerce, Bureau of Census, "Current Population Report," p. 60, No. 33.

THE WAGE GAP

Men make a better overall wage showing even in occupations in which the majority of workers are women, such as teaching and library science. Women's wages lag behind

[3] Sloan Wilson, "The Woman in the Gray Flannel Suit," N.Y. Times Magazine, Jan. 15, 1956. See same magazine, Jan. 29, 1956, for an article by Bernice Fitz-Gibbon.

[4] "What's New About Women Workers?" U.S. Department of Labor, Women's Bureau, leaflet 18.

[5] Lloyd G. Reynolds and Cynthia H. Taft, "The Evolution of Wage Structure," Harper, New York, 1956, p. 350.

[6] W. S. Woytinsky, "Employment and Wages in United States," Twentieth Century Fund, New York, 1953, p. 451.

those of men in all industries; the gap is widest in industries which customarily employ large numbers of women.[7] Women are having less trouble finding jobs but they show relatively little tendency to advance to higher levels of responsibility and remuneration.

Notwithstanding persisting discrepancies in pay and in job assignments, women's status in the labor force has risen markedly in recent years. Census returns show that the number of women in the labor force increased from 14 million in 1940 to 18 million in 1950, to 22,867,000 in June 1961. Even more impressive than the numerical growth of the woman labor force is the opening up to women of jobs formerly held only by men. Most women workers are still concentrated in traditional fields; as many as one-half of them are office workers, teachers, nurses, retail saleswomen, domestic workers, garment workers, bookkeepers, and waitresses.

Between 1940 and 1960, a sizable increase in the number of women workers took place not only in the traditional occupations but also in the professions, in durable goods, manufacturing and among manager-proprietors.

Many women prefer an intermittent work pattern. The growing percentage of married women in the labor force, resulting primarily from current high marriage rates, reinforces the tendency to off-and-on employment. Nearly 35 percent of all married women in contrast to 15 percent in 1940 are working today. Married women living with their husbands constitute slightly more than one-half of the women workers.

An analysis of working mothers reveals:

1. That the 8 million working mothers with children under 18 years of age in March 1960 marked the highest number ever recorded. This figure compares with about 4.6 million working mothers in 1950 and 1.5 million in 1940.

2. Almost one-third of all mothers with children under 18 years are in paid employment. By comparison, about one-fifth of all mothers with children under 18 years of age were in the labor force in 1950 and about one-tenth in 1940.

3. Over one-third of the 22,516,000 women workers in March 1960 were mothers of children under 18 years. This same group was one-fourth of the 18,063,000 women workers in 1950 and one-tenth of the 13,840,000 women workers in 1940.

4. The 5.4 million mothers who had children under 12 years were employed in 1958; about 2.5 million of them worked part time. Working mothers with children under 12 years numbered 3 million in 1949 and 4.4 million in 1954. The proportion who were employed rose from 17 percent in 1949 to 23 percent in 1954 and 26 percent in 1958.

5. About one out of three working mothers have a child under 6 years; the others have children who are between 6 and 17 years old. About 1,572,000 working mothers in March 1960 had children under 3 years of age; another 1,326,000 had children 3 to 5 years (none under 3 years); and 5,120,000 had children 6 to 17 years only.

6. There were about 3.6 million children under 6 years of age whose mothers worked in 1957. Of these, about 70 percent had one child, 23 percent had two children, and 7 percent had three or more children.

7. The average age of working mothers (with children under 18) is 38 years, only slightly below the 40-year average for all women workers. Of every 10 mothers with children under 18 in March 1960, about 1 was under 25 years of age; 3 were 25 to 34 years; 4 were 35 to 44 years; and 2 were 45 years or over.[8]

Lack of firm attachment to the labor force supports employer prejudice against promoting women to more important jobs. This affects the prospects not only of the casual employee but also of skilled workers determined to get ahead. In industry it tends to discourage employers from investing the money required to train a young woman who will have to give up the job when she marries and has a baby or who may have to leave town because her husband is transferred to another location. In business it perpetuates a habit of overlooking women when top management posts are open.

To complete our profile, let us take a brief look at the educational attainment of women workers.[9]

Chances that a woman will seek paid employment tend to increase with the amount of education she has received. For example, more than half of the American women with a college degree were working in 1959, in contrast to less than one-third of the women who had left school after the eighth grade. The relationship of educational attainment and employment was almost as strong for married women living with their husbands as it was for single women. The percentages of married women in the labor force were: 43 percent of the college graduates, 34 percent of the high school graduates, 28 percent of the elementary school graduates, and 18 percent of those with less than 5 years' schooling. Among single women, the percentages of workers varied from 83 percent of those with the most education to 27 percent of those with the least.

The amount of education obtained by a woman influences strongly the type of job she can obtain. In 1959 fully 78 percent of the employed women with college degrees had professional or technical jobs and another 12 percent were clerical workers. Of the remaining women almost half were included in the broad group of managers, officials, and proprietors, those who range from high-level executives to part owners of small businesses. Of the women workers who had 1 to 3 years of college training, 32 percent had professional or technical jobs in 1959 and 41 percent had clerical jobs.

For women workers who had finished high school but had not attended college the greatest employment opportunities were in the clerical field. Five of every ten were service workers, such as waitresses, practical nurses, and hotel workers; another 1 out of 10 were operatives employed primarily in apparel factories, laundries, textile mills, and food companies.

Most of the women workers who had received from 1 to 3 years of high school training were divided among three major occupational groups: service, operative, and clerical. Of the women who had not graduated from high school, almost none were employed in professional jobs.

Among employed women with an eighth-grade education or less, service workers predominated, operatives being the second largest group. Clerical and sales jobs were filled by significant proportions of the women who had graduated from eighth grade but by only small proportions of those with fewer years of schooling.

The strong relationship between education and occupation is also evident from an analysis of the amount of education received by women in each of the major occupational groups. The largest percentage of women in professional occupations had a college education; in clerical, managerial, and sales occupations, a high school education; and in operative and service occupations, an elementary school education. Of the small group of women who were employed as farm laborers, almost three-fifths had an eighth-grade education or less, while of the craftswomen, more than two-fifths were high school graduates.

Student withdrawals from schools and colleges may represent a waste of potentially skilled manpower and womanpower if the students involved have the capacity for further study. Concern about the human waste has prompted several studies about the causal factors and related implications of student withdrawals. Studies by the Office of Education, which have included estimates of the proportions of school dropouts, have been directed toward determining factors that encourage students to stay in school until graduation. The Bureau of Labor Statistics has emphasized in its studies the early work experiences of young people after leaving school, comparing the experiences of graduates and nongraduates.

One class of high school students was surveyed by the Office of Education in 14 large cities throughout a 4-year period (1951–55). Relatively fewer girls than boys were found to have left school before graduation. More than 60 percent of the high school girls and at least 50 percent of the high school boys remained to graduate.

Among the girls, about three-fourths of the dropouts withdrew voluntarily, chiefly for the reasons: to go to work, to marry, or lack of interest in school. Most boys gave employment as the reason for leaving. Smaller but significant numbers of the latter indicated lack of interest or inability to adjust in school; few withdrew because of marriage.

In a Bureau of Labor Statistics survey aimed at learning "something about the employment problems of young people leaving school," information was obtained in seven widely diverse communities about boys and girls who had graduated or dropped out of high school during the period 1952–57.[10] Among the reasons given for leaving school, 32 percent of the girls named adverse school experience; 27 percent, marriage; 12 percent, going to work; and 29 percent, miscellaneous reasons. Although a majority of both the graduates and dropouts had received some vocational education, the graduates had taken a larger number of vocational courses. For example, two-thirds of the girl graduates had completed four or more commercial courses, as compared with only 15 percent of the girl dropouts.

The work experiences reported by those who dropped out of school were much less favorable than those of the graduates. The youth surveyed who obtained unskilled jobs included 55 percent of the girl dropouts but only 12 percent of the girl graduates. On the other hand, the more skilled occupation of officeworker was reported by only 11 percent of the dropouts but by 60 percent of the graduates. In the case of both girls and boys, salaries were higher and unemployment lower for those who completed their school program than for those who did not.

Although the popular concept of women as marginal workers—the supplementary rather than the primary source of support for families—persists to an appreciable degree, it is generally taken for granted today that a girl on completing school will take a job at least until she marries. To these we offer the words of Pius XII: "Because of this temporal goal, there is no field of human activity which must remain closed to woman;

[7] Woytinsky, op. cit., p. 455.

[8] "Who Are the Working Mothers?" U.S. Department of Labor, Women's Bureau, leaflet 37.

[9] Information taken from the "1960 Handbook of Women Workers," op. cit., pp. 96-101.

[10] "From School to Work," Bureau of Labor Statistics pamphlet, March 1960.

her horizons reach out to the regions of politics, labor, the arts, sports; but always in subordination to the primary functions which have been fixed by nature itself." [11]

HOLDING CERTAIN LANDS IN TRUST FOR EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to provide that the United States holds certain lands in trust for the Eastern Band of the Cherokee Indians of North Carolina.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3224) to declare that the United States holds certain lands on the Eastern Cherokee Reservation in trust for the Eastern Band of Cherokee Indians of North Carolina, introduced by Mr. ERVIN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. ERVIN. Mr. President, on August 22, 1960, the tribal council of the Eastern Band of Cherokee Indians by Resolution 351 requested that two parcels of land, which had been conveyed to the U.S. Government for school purposes, be turned over to the tribe by appropriate legislation. By resolution 479 dated February 9, 1962, the tribal council requested that such proposed legislation cover a third parcel. All lands would be held by the U.S. Government in trust for the band.

At present parcel No. 1 has two homes on it which were erected by tribal members in the belief that they were building on tribal land. The tribe proposes to use parcel No. 2 as a public parking area. Additional parking facilities are needed to relieve some of the critically congested traffic conditions at Cherokee Village. The tribal council house has been located on parcel No. 3 for many years.

These three parcels of land are a part of the Long Blanket tracts. The Cherokee Band by deed dated April 13, 1897, conveyed all of its interest in these tracts to the United States for school purposes. The United States in 1897 for a consideration of $560 acquired for school purposes from private parties the remaining interests in these Long Blanket tracts. As a part of the agreement the band paid $902 for adjacent land which was also conveyed to the United States to be used for school purposes.

None of this land is being used or required for administrative or school purposes. The U.S. Government has no improvements on any of the three parcels.

AMENDMENT OF RESOLUTION CREATING THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. CAPEHART. Mr. President, I submit, for appropriate reference, a resolution granting to the small businesses of the United States the legislative stature their problems long have justified.

My resolution would create a Select Committee on Small Business with full legislative authority—authority to put into actual bill form the conclusions of its members about what the Congress should do legislatively to solve the myriad problems of 4½ million small businesses in this country.

As Senators know, the Senate Committee on Banking and Currency, of which it has been my pleasure to serve throughout my nearly 18 years in the Senate, always has had a Subcommittee on Small Business. It has been my pleasure to have served on that subcommittee and to have been its chairman on occasions.

Senators also will recall that in 1940, almost 22 years ago, the Senate, by resolution, created a Special Committee on Small Business which was renewed each year until on February 20, 1950, during the 81st Congress, the Senate adopted Senate Resolution 53 giving the Select Committee on Small Business permanent status.

It is Senate Resolution 53 of the 81st Congress I now seek to amend, so that small business may have a full legislative voice in its relations with the Congress.

Within the scope of its authority, the existing Select Committee on Small Business has done an excellent job under the able leadership of the Senator from Alabama with whom, I am happy to say, I have worked closely over the years on the problems of small business.

Out of this history grew such organizations as the Small Defense Plants Administration and finally the Small Business Administration. It is worthy of note that Mr. John Horne, who was the first Administrator of the Small Defense Plants Administration, is presently the Administrator of the Small Business Administration.

I am sure the Senator from Alabama shares with me and others the satisfaction which comes from the work and cosponsorship which went into the creation of these agencies.

Now, Mr. President, we have reached the point at which small business with 4½ million individual units employing many millions of persons deserves full select committee status with full legislative authority. It is a full-time job.

It is and always has been a bipartisan job.

I ask unanimous consent to have printed in the RECORD the text of a letter on this subject from George J. Burger, vice president of the National Federation of Independent Business.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The resolution (S. Res. 333) was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small-business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small-business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

SEC. 2. Subsection (d) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2 the words "under this rule".

The letter presented by Mr. CAPEHART is as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, D.C. April 23, 1962.

Hon. HOMER CAPEHART,
Senate Office Building, Washington, D.C.

DEAR SENATOR CAPEHART: Following up my many conferences with you as to the advisability of giving to the present Senate Small Business Committee legislative authority, I believe it is necessary to trace the history of the committee during the past 22 years and show the need now more than ever for the Senate to vote that authority to the committee.

The establishment of the committee was authorized in Senate Resolution 298, approved by the Senate October 9, 1940, nearly 22 years ago. Distinguished Members of the Senate who then headed that committee were the Honorable James E. Murray, as chairman, Senators Maloney, Ellender, Mead, Stewart, Capper, and Taft. We in small business cannot forget the leadership of that group in its direct, positive action to bring the needed recognition to small business, in the Senate.

It can be said without fear of contradiction that the action of the Senate at that time in creating the committee laid the groundwork for many Government agencies to give due recognition, for the first time, to small business within the respective agencies. It is to be noted this was not done until the Senate took the action as mentioned above.

The Nation at that time was facing a critical situation due to the hostilities in Europe, and at that time small business in various industries was beginning to feel the pinch as to their source of supply, and their continuance in the business world. Two major groups were seriously threatened at that time and the situation became more serious up to and after Pearl Harbor date.

To the credit of the committee, in nonpartisan action, it can be said their actions went a long way to save the business life of independent business, both in automobiles and the rubber tire industry.

The committee's action laid the groundwork for other independents, both in the production and distribution field, to appeal to the committee for assistance and help. The committee answered their requests and proceeded accordingly.

Some other important moves were instituted within the committee that went a long way to ease the serious plight of small business at that time.

From that time on the committee was reconstituted as a special committee on the opening of every new session of the Congress. However, certain Members of the Senate believed that the time had arrived

[11] Pius XII, "To Federation of Italian Women," Oct. 14, 1956.

that permanent, continuing status should be given to the Small Business Committee. This took place in or around 1949 and 1950 by individual resolutions introduced by Senators Holland, Murray, and Wherry. On February 20, 1950, the three resolutions were acted upon, resulting in a majority vote on the Wherry resolution, Senate Resolution 58. The vote was 56 yeas, 26 nays, and 14 not voting, and at that time we had the support for the resolution of the then majority leader, the Honorable Scott Lucas.

It is to be noted that in the vote on this resolution your vote was registered in the affirmative.

Then again on July 1, 1955, on Senate Resolution 120, the Senate by practically unanimous vote gave appointment to the committee the same status in the same manner and form as all standing committees of the Senate as up to this time the appointments to the committee were made by the Vice President at the start of every new congressional session.

Senator, it is our belief that the time has arrived, due to the reported plight facing small business of this Nation both at the production and distribution level, that the Senate recognize this situation by giving legislative authority to the committee such as your resolution proposes. The committee, which has been in operation over 21 years has now become of age, and such action by the Senate would go a long way to bring new hope to small business nationwide that their problems are being placed on parity with the same legislative action that is extended to labor, agriculture, etc.

After all is said and done the future of 4½ million small businesses is at stake, and added to that are the numbers employed by small business, and it is necessary that at this late date they are entitled to the same legislative recognition.

The President, as candidate for that high office, during the campaign said: "We have the highest bankruptcy rates in small business last year than we have had since the end of World War II. Small business has been crushed. * * * Small businesses are failing at a record rate."

Then again on April 14, 1962, the present chairman of the Senate Small Business Committee, the Honorable JOHN SPARKMAN, in the Senate Small Business Committee weekly staff report of April 14, 1962, is reported as stating in part the failure rate of small business is the highest it has been in the past 20 years.

It is to be noted in the CONGRESSIONAL RECORD of April 9, 1962, in the extension of remarks by the Honorable RAY J. MADDEN on the subject matter of the quality stabilization legislation, he stated: "The Senate Small Business Committee has reported that small business failures (bankruptcies—businessmen giving up the struggle for survival) climbed in 1960 to the highest point since 1932 and the great depression." He also states the House Small Business Committee in its December 16, 1960, report held a similar view.

Now, in view of these declarations by both Small Business Committees—they are powerless to introduce legislation direct to the Congress, and this is all the more reason for the Senate to take the appropriate immediate action on the legislation you propose.

Finally, the position taken by the federation is on the expressed vote of our nationwide membership now numbering 177,794, all individual members located in the 50 States, and we have been following up their recommendations over the many years. It will also be found that in our appearances before the platform committees of the Republican and Democratic National Conventions, 1948, 1952, 1956, and 1960, we have consistently urged that such recognition be given to the Small Business Committees.

In conclusion, I know your action will be a great stimulant to all small business throughout the Nation, and will be particularly noted by 4,887 members in your own State of Indiana.

You are privileged to use the entire contents of this communication in substantiation of your action at the time the resolution is introduced and furthermore the information should be of value to all Members of the Senate in considering this resolution.

You are to be congratulated for your vision and foresight as a needed help and recognition to small business of this Nation.

Sincerely,

GEORGE J. BURGER, *Vice President.*

Mr. JAVITS subsequently said: Mr. President, on behalf of the distinguished Senator from Indiana [Mr. CAPEHART], I ask unanimous consent that Senate Resolution 333, which he submitted earlier today, may lie at the desk until the close of business on Tuesday next to enable other Senators to become cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTMENT OF POSTAL RATES—AMENDMENTS

Mr. McCARTHY submitted amendments, intended to be proposed by him, to the bill (H.R. 7927) to adjust postal rates, and for other purposes, which were referred to the Committee on Post Office and Civil Service and ordered to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Statement by him on a six-point anti-Communist program.

REWRITING OF SOVIET CONSTITUTION A FARCE

Mr. WILEY. Mr. President, the Premier of the Soviet Union, Nikita Khrushchev, announced yesterday that a new constitution would be written for the Soviet Union.

According to Mr. Khrushchev, the rewriting would include incorporation in the constitution of the principles of peaceful coexistence in U.S.S.R. foreign policy, a guarantee of democratic rights for the people, reflections of changes within the Soviet Union from a proletarian dictatorship to a proletarian democracy, and other revisions to reflect changes and advancements in a Soviet society.

Mr. President, this is quite a change, at least in expression. Back in the days of Stalin there was no such talk. One wonders just what the meaning of this is. Of course, 40 years ago, only 10 percent of the people in Russian were literate, whereas today it is said that 85 percent of the Russian people are literate.

In understanding and attempting to cope with Communist doctrine, there is always a need to recognize the difference between declarations of policy and the real meaning and tactics for carrying out such policy.

For years, the Communists have openly paid lipservice to peaceful coexistence. The purpose was to create a deceptive illusion of a climate of nondanger in the world, in order to keep anti-Communist nations off guard. Analysis of the Red motives, however, reveals that—contrary to the apparent meaning—the policy of peaceful coexistence really represents a subterfuge cloak under which to carry on aggressions on political, economic, ideological, and—yes—small military fronts.

What is the real outlook for adoption of a guarantee of democratic rights and practices within the Soviet Union? In my judgment, none.

Over the years, the Communists, by misuse, have largely distorted the meaning of democracy and democratic processes—certainly as they relate to the Communist world.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. WILEY. I ask that I may proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILEY. Mr. President, within a Red-dominated society, the climate does not allow for freedom of political thinking differing significantly from the line of the party. Under communism, rather, democracy in practice means handpicking of candidates for the party; elections by mock voting—that is, by endorsement of party-picked candidates, not by voice of the people; with officeholders serving, not the people, but the dictates of the Communist Party, in all countries only a small minority of the population, amounting to only about 4 to 6 percent in the Soviet Union. The people have no real determining voice either in selection of officeholders or in the formulation of programs and policies.

Over all, then, a rewriting of the Soviet Constitution—if carried out on such deceptive premises—can only be a farce, aimed toward fooling the people of the Soviet Union and the world.

Nevertheless, a rewritten constitution will be of significance. Why? Because it may well provide a key to strategy—like the Stalinist constitution of 1936, Hitler's Mein Kampf, and so forth—by which a totalitarian system—this time, communism—plans to further its attempts to conquer the world.

Mr. President, at this time I cannot help thinking that when I came to Washington, 23 years ago, Poland was free, Czechoslovakia was free, Bulgaria was free, Rumania was free, and the Baltic States were free. But now where are they?

Mr. President, a billion human souls have been taken into the Communist orbit. We must be alert and must stand on guard, and not repeat the folly of Pearl Harbor.

THE POWER OF PUBLIC OPINION AND THE STEEL INDUSTRY

Mr. JOHNSTON. Mr. President, I should like to bring to the attention of the Senate a fine editorial which appeared in the Anderson Independent, a newspaper of Anderson, S.C., on Wednesday, April 18. The editorial, entitled "Power of Public Opinion, Aroused by Kennedy, Scores Basic Victory," is an enlightening one, showing a clear picture of the steel industry's lesson when it tried to ignore the basic concept of free enterprise and attempted to fix prices in the steel industry.

The industry soon learned that the American people and the President were not willing to allow big industry to run the Government, particularly at the expense of free, competitive enterprise.

As the editorial points out, our economy has attained its greatness only by adhering to the principle of competitive enterprise. With the action last week we have succeeded in preserving this basic American heritage, and in thwarting a determined attempt to fix prices and stifle competition in one of America's largest and most powerful industries.

Mr. President, I request unanimous consent that this outstanding editorial be printed in the RECORD along with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POWER OF PUBLIC OPINION, AROUSED BY KENNEDY, SCORES BASIC VICTORY

Roger Blough, chairman of United States Steel and acknowledged spokesman for the big boys of the steel industry, has been taught a stern lesson in the real meaning of free, competitive enterprise.

He also should by now be cleaning house of the hordes of public relations experts hired at a cost of hundreds of thousands of dollars a year (cost passed on to you, of course, in price of products containing steel) who had any part in one of the most gigantic big business goofs of recent record.

He and his buddies also should know by now how it feels to be run over by the steamroller of an aroused public opinion determined to defend the American way of doing business.

Blough, who kicked off the ruckus by announcing a surprise hike in steel prices, made a weak show of explaining the boost announced by his company and others within hours of each other. He was too late.

President Kennedy already had correctly branded the move as irresponsible defiance of the public interest. His indictment of Big Steel's action was all the more telling because Big Steel had given the impression it had agreed to hold the price line in return for the United Steelworkers signing a contract carrying some fringe benefits, but no increase in wages.

But Big Steel has defied Presidents and public opinion before and gotten away with it.

Protests by President Kennedy might have been anticipated. But action matching his words—well, he might go through the motions.

There might even be an investigation based on the antitrust laws. Congressmen might make a lot of noise.

Attorney General Robert Kennedy might drag Big Steel's spokesmen before a Federal grand jury to answer some pertinent questions. So what?

Doesn't everybody know that such things can drag on for months and for years? Sound and fury signifying nothing, you know.

Meanwhile, Big Steel would go right ahead selling its production at the higher price.

They misjudged the toughness of their man and his determination to protect the American system of free enterprise against the Socialist principle of "leveling."

In this case, the principle was to be applied in reverse. All steel companies, acting in concert in the true Socialistic-cartel tradition, would "level higher" their prices. If Government or business needed steel, they'd have to buy it at the higher price—or do without.

But the wave of public resentment was aroused so quickly by President Kennedy that a couple of major steel producers—Inland Steel and Kaiser Steel—didn't have time to jump on the bandwagon; or, maybe, they figured that it might pay to remain competitive.

The Kennedy administration spotted this opening. It was announced that the U.S. Government, using 3.5 million tons of steel a year, would patronize only those producers holding the line on prices.

That's when United States Steel and its partners in price-gouging tossed in the towel and withdrew the price increase.

Every American schoolchild is taught that the U.S. economy grew great by adhering to the principle of competitive enterprise.

They are also taught that conspiracy to fix prices, to establish cartels, to eliminate competitive pricing is the mark of socialism, totalitarianism, or "isms" just as sour by any other name.

President Kennedy, fortunately, is in tune with history, economic and otherwise. He knows that from the outset powerful interests have paid lipservice to "free enterprise" principles while striving to establish secret price-fixing agreements designed to bleed a public forced to buy goods or services from such monopolies.

Recovering slowly from the shock of a President daring to challenge an industry accustomed to "run the Government," Republican biggies and their press and politicians in South Carolina and elsewhere are beginning to scream, taking cue from GOP Senator BARRY GOLDWATER, the NAACP's buddy in Arizona.

They're screaming, of all things, that President Kennedy is interfering with free, competitive enterprise. Since when did price-fixing become competitive enterprise? That's one Bilgewater BARRY from Arizony hasn't answered.

Lengths to which Big Steel and Republican apologists are going to "defend" that "poor, put-upon industry" can be compared to a drunken contortionist trying to combine his yoga regimen with the twist in the upsidedown room of a carnival crazyhouse.

But they cannot divert attention from the fact that President Kennedy has scored a notable victory on behalf of a basic American principle—private, competitive enterprise—and has prevented a calculated assault upon the pocketbooks of individual consumers and government alike.

INFANT DRUG ADDICTS

Mr. KEATING. Mr. President, the tragic consequences of drug addiction have never been more dramatically revealed than by the recent report that almost 50 babies addicted to heroin are born each year in just one large New York hospital. These unfortunate infants suffer all the agonies of drug withdrawal for weeks and sometimes months.

This is one of the consequences of the half-billion-dollar drug traffic in the United States. In my judgment, we must not spare any effort needed to wipe out this dreadful scourge. There is too little scientific information about this terrible affliction. There are too few hospital and other treatment facilities for its innocent victims. There are not enough up-to-date laws to permit the quarantining and rehabilitation of those it has contaminated.

As long as the search for a cure is so uncertain, we cannot permit conditions to exist under which the disease is spread from victim to victim. We see now in the case of these babies the awful price every community must pay for the inadequate attention given to the problem of addiction.

I have joined in sponsoring a broad program designed to foster a multipronged attack against addiction. It would provide Federal help in the construction of facilities. It would authorize civil commitment under medical supervision of sick addicts. It would stimulate research into the causes of this disease. It would, under the auspices of a White House Conference on Narcotics, coordinate the work of many agencies, public and private, in this field.

This program is not designed for the addicts' benefit as much as for the protection of society. However, we must all feel unbounded compassion for the 50 babies a year—in one hospital—who come into the world with this burden already upon them. We must do everything possible to save young souls in the future from the pain and agony of this pernicious contamination.

THE GOVERNMENT'S ATTITUDE ON PRICES

Mr. WILLIAMS of Delaware. Mr. President, there appeared in the April 19, 1962, issue of the Washington Daily News a very timely article written by Mr. Henry J. Taylor, entitled "A Blow to Business."

In this article Mr. Taylor pointed out the danger that President Kennedy's brass-knuckle approach to the controversy over steel prices may well trigger off another depression.

He makes a rather pertinent comparison between President Kennedy's attitude on increased prices for the steel industry and his indifference to the fact that the Chicago Merchandise Mart—the largest such enterprise in the world—which is owned by the Kennedy family, has just raised its rents from 3 to 5 percent. Their general manager used the same explanation to justify the increased rents as were used by the steel industry. General Manager Wallace O. Ollman said:

The raises are necessitated by increased costs, principally labor and taxes.

I ask unanimous consent that Mr. Taylor's article be printed in the body of the RECORD as a part of my remarks.

Immediately following that, I ask unanimous consent that there be printed an editorial from the Wall Street Journal of April 18, entitled "Government by Fear," dealing with this same subject.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 19, 1962]

A BLOW TO BUSINESS

(By Henry J. Taylor)

When the public cheers for political solutions of highly technical problems, 9 times out of 10 it is wrong. And when they are solved by unbridled political power the price the cheering people finally pay is incalculable.

It will be a miracle if President Kennedy has not triggered off another depression. The cheers for the President's brass-knucks had better wait a bit. Any thousand boards of directors, responsible for businesses, would agree on that instantly. The effect on prosperity will be determined not by the cheers but by the facts.

Informed people—including the President—know that the true fuels igniting inflationary pressures are the Government's own monetary activities, along with cumulative wage increases, large, and small, old, and recent. But the Government itself will never take the blame, nor will the trade unions. Industry is dealing in problems harder to explain than to distort and castigate. The President's willingness to deal in distortion with his left hand, and brass-knucks with his right, is a death blow to business confidence.

Moreover, if the Kennedys won't believe the steel industry, certainly they should believe themselves. The Kennedy family, including the President, owns Chicago's vast Merchandise Mart, the largest such enterprise in the world. The very next day after Mr. Kennedy gave the iron boot to United States Steel the Mart raised some of its rents 3 to 5 percent. General Manager Wallace O. Ollman explained: "The raises are necessitated by increased costs, principally labor and taxes." The increases go to the Kennedys. Sacrifice?

A vision of the iron boot on the other foot is irresistible. Is this contempt for the tenants? Does it help hold the line?

Can you imagine the hearty guffaw if the tenants referred this to the Justice Department for Grand Jury action and contrived investigation, endlessly searching Kennedy records for collusion with other Chicago buildings and income tax harassment of the Mart's operators by the Treasury? Would the President and his brother both threaten each other with jail no matter what they did as they threatened the executives of United States Steel? We must doubt it.

Prosperity will never take place, nor expansion occur, in the face of unbridled, vindictive political power. The spectacle of the President feeling free to crush a sober, complex industrial problem by the raw personal power of contrived harassment and endless Federal punishment on all who might oppose his will or his analysis of something is an issue and an indication far, far beyond any details in the steel price increase. The lesson will not be lost on a single thoughtful businessman or investor in the United States.

[From the Wall Street Journal, Apr. 18, 1962]

GOVERNMENT BY FEAR

"Kennedy is mad and so am I," said a Detroit autoworker quoted in this newspaper the other day; "the Government shouldn't let them do it."

So far as one can tell, that man was expressing a very general reaction of Americans to the great steel explosion. We think that attitude needs some further examination, for it concerns an issue far broader than the price of steel, and it is an issue that was not settled by the President's victory over the steel industry.

Let us first of all be clear about just what the Government did. It said that a private company could not change the price of its product, a property right which is obviously basic to a free economy. In other words, the Government set the price. And it did this by the pressure of fear—by naked power, by vituperation, by threats, by agents of the State security police.

The autoworker, and the many others of similar view, presumably reason that both the end and the means are justified in this case. After all United States Steel is big and doesn't need any tears shed over it; anyway, what happens to United States Steel is no skin off anyone else's nose.

That, we think, is a mistaken interpretation. It doesn't require much imagination to see this same kind of power employed elsewhere. It could be directed against that autoworker's own union, if the Government so chose. It could be directed against the corner grocer, if the Government decided it didn't like his prices. It could be directed against anybody's property. For the principle the Government has promulgated with its steel action is that Americans are free to deal with their property only if officialdom approves. It is a novel principle in this country.

Whatever the majority of contemporary Americans may feel, the fact is that their forefathers understood the connection between economic freedom and political liberty. Property rights, in their view, were basic, as basic as life itself. There is nothing abstract or academic about that proposition; it means purely and simply that free acquisition and disposal of property is the mark of a free man. All history shows that economic freedom is essential to the maintenance of free political institutions.

Throughout our own history, the people have always sensed this, even if they might not have been able to put it in the terms of philosophical discourse. Sometimes, indeed, they carried it to extremes. They used to hang horse thieves, for instance—a practice we today would hardly condone. Yet that harsh penalty was society's recognition of the fundamental nature of property rights. Steal a man's horse in those days and you stole his livelihood, which is very near to saying his life.

Now we are not contending that the Government, in 3 short days, has managed to extinguish freedom. But it is worth noting that the Government has made considerable inroads on the property rights of all of us. It has done so broadly, with its crushing taxation. It has done so in the case of specific groups, such as farmers. And in this latest development it has displayed its whip for all to see.

The Government, in short, has made the people beholden to it. Having done that, it may not find it necessary to use the whip immediately again; the fact that it exists, and has been so triumphantly cracked, may suffice for a time. In Government by fear, it is not only selected individuals, or business entities, that suffer. The knowledge that the security police can come knocking at midnight on any man's door, without warrants, engenders a general atmosphere of fear. Sure, we still have constitutional rights, but if such an atmosphere continues to develop, who will be eager to test them?

So we hope there will be more thought and more discussion of the events of last week. No one can be unaffected by them, whatever he may believe at the moment. Infringement of property rights infringes all rights. And no one should forget that this Nation was founded so men could be free of government by fear.

NEW MEXICO AND THE DEVELOPMENT OF CIVIL AVIATION

Mr. CHAVEZ. Mr. President, the State of New Mexico has figured prominently in the development of civil aviation from its very beginning stage.

Of the pioneering members of the industry, Jack Frye and his contemporaries were responsible for forging the first air links to Clovis and Albuquerque, and giving impetus to aviation not alone in New Mexico but throughout the Southwest.

The exploits of Jack Frye, as a flyer, gave him national recognition. But this was only one chapter in his colorful career. His energies were devoted to research and to technical progress that would attract the masses to air travel.

Jack Frye was, for years, at the helm of Trans World Airlines, known until 1947 as Transcontinental & Western Air, Inc. Under his direction and with his influence, this once small carrier now spreads its wings to as many as 70 U.S. cities and to distant points throughout Europe, Africa, and Asia.

There can be no disputing the fact that TWA represents the dreams and the framework of Jack Frye whose memory TWA and its 20,000 employees will honor with the dedication of the Jack Frye Transportation Training Center at Kansas City on today, April 26.

Until his death in 1959, Jack Frye devoted himself to the creation of a sound air transportation system, and his many years of struggle and conquest will not be lost from view even as aviation progresses further into the future.

Mindful of Jack Frye's significant contributions in the past, the people of New Mexico join with TWA and industry leaders in a tribute to this outstanding personality.

E-FOR-EXPORT AWARDS

Mr. ENGLE. Mr. President, it has been clearly demonstrated in the last few years that the United States must increase its exports substantially to maintain a healthy economy at home. To accomplish this we must replace our traditional trade policy with a trade policy that can meet the challenges and opportunities of a rapidly changing world economy. This the President has proposed in his sweeping proposals to revise our reciprocal trade law. We are hopeful that this session of Congress will act favorably on the President's proposals.

In the meantime, much can be done to spur our exports within the framework of the present trade law, and our Federal agencies are making good use of their current powers to intensify their export programs. The Department of Commerce, for example, is extending itself in many directions. It is setting up permanent trade centers overseas. It is putting greater emphasis on American goods at trade fairs. It is expanding and improving the use of trade missions. It is offering more and better services to American businessmen in the export field.

The Department has also spearheaded a new idea—E-for-Export Awards. The first 10 of these awards were presented on March 28 by President Kennedy and Secretary of Commerce Hodges. Two of them went to California organizations—the C. G. Hokanson Co., of Los Angeles;

and the San Leandro Chamber of Commerce.

I commend Secretary Hodges and the Department of Commerce for their initiative and imagination in mobilizing America's export resources.

An article on the first 10 E-for-Export Awards appeared in the April 2 issue of the Foreign Commerce Weekly. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

E-FOR-EXPORT AWARDS GIVEN TO MANUFACTURERS, OTHERS

America's first 10 E-for-Export Awards were presented last Wednesday by President John F. Kennedy and Commerce Secretary Luther H. Hodges in a prestigious ceremony, held in the White House. Certificates and awards were presented to five U.S. manufacturers, a bank, a trade magazine, two industrial promotion organizations, and a steamship line.

The awards were given for significant contributions to the increase of U.S. export trade, and were the first of a number to be made to American firms and organizations which help mobilize America's export resources.

Winners were:

Dan River International Corp., New York City, manufacturer of cotton textiles.

C. G. Hokanson Co., Inc., Los Angeles, Calif., makers of specialized air-conditioning systems.

LeTourneau-Westinghouse Co., Peoria, Ill., manufacturers of heavy construction equipment.

McGraw-Hill Book Co., New York City, publishers of textbooks.

Scripto, Inc., Atlanta, Ga., makers of mechanical writing instruments and cigarette lighters.

The Chicago Association of Commerce and Industry, Chicago, Ill., an organization which has helped Chicago area manufacturers to expand their exports since 1904.

Industrial National Bank of Rhode Island, Providence, R.I., a bank which helped 25 client companies to develop new oversea markets in 1961.

Isbrandtsen Co., Inc., New York City, a steamship company which instituted a unique method of introducing U.S. merchandise into oversea markets—the mobile trade fair.

The San Leandro Chamber of Commerce, San Leandro, Calif., which mounted an export-expansion program which resulted in a 50-percent increase in 1961 in the number of San Leandro area companies interested in international trade.

Steel magazine, Cleveland, Ohio, which in 1961 published more than 75 major stories devoted to metalworking sales opportunities around the world.

In addition to the specially inscribed certificates, each "E" winner received the President's blue and white "E" flag—a revival of the World War II E-for-Excellence flag—as well as gold "E" pins.

The recipients are planning a variety of community activities to celebrate their awards.

Local mayors and other city and State dignitaries will help company officials raise the new "E" flags over their plants and offices.

Employee parties will be highlighted by presentations of "E" lapel pins.

Some winners are planning large dinners for their directors, key executives, customers, and trade association officials.

Others are planning publicity and advertising campaigns to demonstrate their pride.

The 10 winners were selected from among several hundred nominees, all of which are under consideration for future awards.

Selections were made by Secretary Hodges after consideration by an awards committee including representatives from the Commerce, Interior, and Agriculture Departments, the Small Business Administration, and other Government agencies in selected fields.

The awards were granted in two categories. The first—received by the Dan River International Corp., C. G. Hokanson Co., Inc., LeTourneau-Westinghouse Co., the McGraw-Hill Book Co., and Scripto, Inc.—went to companies manufacturing products for export which were responsible for outstanding export records over a sustained period, or which had made spectacular breakthroughs in increasing sales in competitive markets.

The second category, into which the other five recipients fell, went to companies, individuals, or organizations with outstanding records in supporting international trade.

KENNEDY CITES SECURITY NEEDS—HODGES PRAISES ENTHUSIASM

President John F. Kennedy, in presenting the first 10 "E" awards, said "U.S. contributions to our security programs abroad are tied directly to the need for increasing U.S. exports.

"Sales of American goods abroad must be ever increasing or we cannot continue our substantial expenditures overseas," he added.

He praised American managerial and production techniques and said he expects great further accomplishments from the "E" award winners in their efforts to stimulate other American businessmen to export.

He added that he considers American businessmen competitive as never before.

Said Commerce Secretary Luther H. Hodges:

"Each of these winners is symbolic of the very best that American enterprise has to offer. They are living proof of what can occur when American companies and organizations set out to expand international markets with the enthusiasm, the planning, the investment of manpower and brainpower, that has characterized our approach to markets here at home. * * *

"I am proud of these companies and organizations. I think they are doing a whale of a job. They are not simply discussing what needs to be done about increasing exports. They are doing it.

"They are providing a tremendous example to all of American industry of the infinite range of sales possibilities abroad."

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LITERACY TESTS AND THE CONSTITUTION

Mr. ERVIN. Mr. President, the Subcommittee on Constitutional Rights on April 12 completed a 7-day series of hearings dealing with literacy tests and other voter qualifications. During that time we received testimony from some 20 witnesses and prepared statements from a number of individuals and organizations including attorneys general of the various States and professors of constitutional law. I believe that all points of view have been presented, and that the printed record will provide the Senate with a comprehensive analysis of all the constitutional issues involved. I think the Members of the Senate will feel, as I do, that we have had an objective series of hearings and that they have produced a meaningful record which will be of inestimable value to the Members of the Senate.

The subcommittee has expedited the preparation of the hearings for printing and we expect to have bound copies available for distribution this week.

As the records of the hearings indicate, these bills, S. 480, S. 2750, and S. 2979 present a number of constitutional issues. These issues are such that there are many divergent opinions concerning them. I have said in jest that I regret not all of our witnesses share my sound views on this subject; however, I am delighted that two of our Nation's leading newspapers, the Washington Post and Times Herald and the Evening Star, have indicated editorially that they share my feeling, that such measures as proposed by these bills are unconstitutional and can only be legally enacted by amending the Constitution.

On January 29, this year, the Washington Post and Times Herald, in an editorial entitled "The Federal Right To Vote," stated that proponents of S. 2750 have chosen "a method of doubtful constitutionality." The Post said that S. 2750 "seeks to change by statute the qualifications for voters laid down in the Constitution."

Among other things, the editorial stated:

It is significant that President Kennedy originally selected Senator JOSEPH S. CLARK and Representative EMANUEL CELLER to translate the Democratic platform on civil rights into legislative form and that last year they introduced a proposed constitutional amendment which would forbid the States to abridge the right of any citizen to vote because of failure to pass a literacy test. There may be good reason to object to the complete elimination of literacy tests. Nevertheless, amendment of the Constitution is the proper tool for effectuation of this reform.

I concur wholeheartedly with the position taken by the Washington Post and Times Herald. After more than 40 years of legal research, it is my considered opinion that only by constitutional amendment can the States be deprived of their power to establish qualifications for their voters. I might add that the Attorney General of the United States also shares this view. Recently, when Mr. Kennedy testified before the Subcommittee on Constitutional Rights, he stated that if S. 2750 were setting voter qualifications it would be "unconstitutional and would require a constitutional amendment." I agree with the Attorney General; this is the view I have consistently maintained. I am especially gratified to be supported by the President's

top legal adviser and the chief law enforcement officer of the country. We differ in that the Attorney General maintains the administration bill does not attempt to set voter qualifications. This is not an opinion which I share; it seems patently clear to me that each of the bills which are presently before the subcommittee, S. 480, S. 2750, and S. 2979, was designed to usurp the State's prerogative of setting voter qualifications by congressional legislation instead of by amendment, as the Constitution requires.

I might add that, prior to last year, throughout our national history Congress has never attempted to legislate voter qualifications. Of course, voter qualifications have been changed, but always by constitutional amendment.

On April 12, the last day of the subcommittee hearings on the literacy bills, the Evening Star, in an editorial, opined that whatever the justification for such a bill the discrimination cited "can be eradicated without bypassing the Constitution for reasons of convenience or political expediency."

The Star further took a position which I have long maintained that "the Department of Justice now has authority to bring suits on behalf of individuals improperly denied the right to vote by State officials."

Attorney General Kennedy, in his testimony before the subcommittee, the Star continued:

Complained that this is a time-consuming and difficult process. This is true. Yet many legal procedures, if they are to comply with constitutional requirements, are difficult and time consuming. But no one suggests that this justifies short circuiting the Constitution.

The Star concluded:

The Attorney General, of course, does not concede that the administration's literacy bill would violate the Constitution. The measure provides that a literacy test could not be used to deny the vote to any person who has completed the sixth grade, and the Attorney General contends that this provides an objective standard which Congress can constitutionally require. He also says, however, that any State, if it wished, might specify that only college graduates could vote. If this is so, what becomes of the constitutional protection which he says the 14th and 15th amendments throw around the prospective Negro voter? Should the college-graduate standard be adopted in the 129 counties in question, a good many white people would be unable to vote. But the discrimination against would-be Negro voters would be virtually all inclusive.

This, we think, is enough to underline the purely political aspects of the appeal to Congress to ban literacy tests. If these tests are to be forbidden because the Department of Justice thinks it is too difficult to enforce existing law, the ban should be imposed by constitutional amendment. But if the fear is that the country would not ratify such an amendment, which it might not, Mr. Kennedy's department had better get back to the job of enforcing the law which is already on the books.

In order that the record might be clear, with regard to the laws which are presently available to the Justice Department to see that no qualified voter is denied the right to vote, I ask unanimous consent to have printed in the RECORD excerpts from the pertinent statutes.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PERTINENT SECTIONS OF THE UNITED STATES CODE

Voting rights, 42 U.S.C. 1971

(a) Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion: No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of the selecting or electing any such candidate.

(c) Preventive relief; injunction; costs: Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person. (See attached Public Law 86–449, 86th Cong., p. 7, May 6, 1960, for amendment pertaining to State as party defendant.)

(d) Jurisdiction; exhaustion of other remedies: The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(See attached Public Law 86–449, 86th Cong., p. 5, for amendment which has been designated subsec. (e).)

(f) Contempt; assignment of counsel; witnesses: Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearings, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel. As amended September 9, 1957, Public Law 85–315, part IV, section 131, 71 Stat. 637.

SEC. 1995. CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY.

In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days the accused in said proceeding, upon demand therefor shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention. Public Law 85–315, part V, section 151, September 9, 1957, 71 Stat. 638.

SEC. 1983. CIVIL ACTION FOR DEPRIVATION OF RIGHTS.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. § 1979.)

Criminal, 18 U.S.C. 241–242:

SEC. 241. CONSPIRACY AGAINST RIGHTS OF CITIZENS.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

SEC. 242. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. ERVIN. Mr. President, the views of the Washington Post and Times-Herald and the Evening Star were buttressed by the New York Herald Tribune, another of the Nation's leading newspapers, which, in an editorial on Tuesday, April 24, 1962, stated that the literacy test proposed before us "infringes on the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry."

A similar view was espoused by Mr. David Lawrence, the noted columnist, in an article carried in the April 24, 1962, edition of the Evening Star. In order that the Members of the Senate might be apprised thoroughly of these statements, I ask unanimous consent that each be printed in its entirety at this point in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 24, 1962]

LITERACY BILL WOULD INFRINGE STATES RIGHTS

The literacy-test bill on which Senate debate begins today is one of those many which would employ bad means to achieve a good end.

The good end in this case is a breaking down of racial barriers to voting; the bad means are a too sweeping, too arbitrary and seemingly unconstitutional invasion of the States right to set voting standards.

The Constitution explicitly gives this right to the States, even for Federal elections. The bill would limit their authority by providing that no one otherwise qualified could be denied the ballot "on account of his performance in any examination, whether for literacy or otherwise," provided he had a sixth-grade education.

The reason, of course, is that many southern registrars have egregiously abused literacy tests. The rationale is that any one with a sixth-grade education can be presumed able to read and write.

But the effect of this is to deny States the right to require any more than bare literacy, which is about all a sixth-grade education is presumptive evidence of.

Most States are satisfied with such a requirement. But those which might prefer to set their standards higher ought to be free to do so—as the Constitution clearly entitles them to do, provided they apply the standard without discrimination as to sex or race. The mere fact that a man has a rudimentary knowledge of how to read and write, after all, hardly makes him competent to pass on issues of state.

One particularly pernicious provision of the bill would strike down New York State's requirement of literacy in English, by making 6 years' schooling in Puerto Rico the legal equivalent of a literacy test. There is nothing arbitrary or unreasonable in requiring that voters be familiar with the language of government, which is also that of the candidates among whom they must choose.

New York's large Spanish-speaking population makes this a local issue of some moment. To claim these people are discriminated against in voting in the same way that Negroes are in the South is nonsense. All are welcome to vote if they trouble to learn English. But it quite properly is up to them to learn the language of the community first, as many do and all can.

The need for breaking down racial barriers to voting is real and urgent. As a practical matter, this bill would go a long way toward their elimination. But by striking at the use of literacy tests rather than merely their abuse, it would throw out the baby with the bath water. It infringes the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry.

Congress proper aim should not be to set standards for voting, but to tighten enforcement procedures to insure that whatever standards are set are applied fairly and equally to all.

[From the Washington Evening Star, Apr. 24, 1962]

IMPATIENCE ON LITERACY TESTS—PUSH FOR FEDERAL VOTING LAW LIKENED TO ROOSEVELT'S COURT "PACKING" ATTEMPT

(By David Lawrence)

Just as President Franklin D. Roosevelt became impatient with the processes of the judiciary and asked for laws to permit him to pack the Supreme Court, President Kennedy now has started on analogous controversy which will occupy the attention of the Senate for the next 2 weeks. He wants to pack the electorate by ignoring the rules laid down in the Constitution concerning voter qualifications.

If Mr. Kennedy has his way, a rubberstamp Congress could at the behest of a President pass a law making children of 11 years of age eligible to vote in Federal elections.

The Constitution, of course, specifically gives only the States the power and right to fix the qualifications of voters. It reserves to Congress merely the right to alter State regulations as to the "times, places, and manner" of holding the elections themselves.

But Attorney General Robert F. Kennedy, in a formal statement to a Senate subcommittee, declares he is tired of the bother of filing lawsuits and says, in effect, that it's easier just to get a law passed to set voter qualifications than to go through the prescribed process of amending the Constitution to take this right away from the States.

Now it will be conceded that if there is any discrimination in any State because of race or color in preventing anyone from voting, then certainly the Constitution should be invoked to secure equal treatment. This, however, really isn't the issue, for the basic question is how the Constitution shall be enforced. The Attorney General says that when the 15th amendment was adopted in 1870 it became illegal to practice racial discrimination in the voting process, but "it is necessary today, 92 years later, to file lawsuit after lawsuit to make constitutional command a reality."

The late President Roosevelt argued the same way. He wanted the Justices of the Supreme Court to decide cases the way he wanted them decided, and he declared that he didn't care to wait till enough vacancies on the bench occurred to give him the opportunity to appoint new judges who would support his views.

The Attorney General says that persons with a sixth-grade education should not be required to take a literacy test as a qualification for voting. He feels that completion of the sixth grade is sufficient without an examination.

He could be right about this as a test in itself. Yet he ignores the specific obligation under the Constitution that if the rights of the States—which include the power to fix voter qualifications—are to be changed, then the Constitution itself must be amended by a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States. With amazing frankness, the Attorney General proclaims the rule of expediency and the doctrine which has caused the overthrow of many an established government—"the end justifies the means." He says in his formal statement:

"The question is not whether this bill is valid, but whether it would correct the situation."

Mr. Kennedy, further on in his statement, adds:

"I believe legislation, to accomplish directly what can be unquestionably done through litigation, is plainly justified under the 14th and 15th amendments."

But is this really true? Litigation can be instituted only when there is evidence of discrimination in denying the vote to anyone eligible. What the Attorney General is proposing is that both whites and Negroes, for instance, be permitted to vote when they have completed a sixth-grade education.

He is ignoring the fact that, if a State actually administers its laws fairly and doesn't permit either a white or a colored person to vote if a literacy test is given and the applicant fails, then there is no basis for litigation. He wants to skip that step and declare all persons literate by law if they have completed a sixth-grade education. Only the States, however, under the Constitution can legally establish this form of voter qualification.

Mr. Kennedy argues that article I, section 4 provides that Congress may at any time "make or alter the times, places, and manner of holding Federal elections" and declares that "This plainly means that the State regulations on voting are subject to some limitations that may be imposed by Congress." He then concludes: "I think the bill would be a proper limitation under the provision."

But nowhere in the judicial history of the United States is there any decision which says so The "time, places, and manner" of holding elections have always been construed to mean the setting or changing of the date and place where elections are held, and questions involving honesty in counting ballots in the election itself. The word "qualifications" appears three times in the Constitution, and in each instance refers only to the power of the States to prescribe the rules of eligibility for voting.

This whole maneuver is characteristic of the Kennedy administration. It has issued many an Executive order that has yet to be tested by the Supreme Court. The argument always is offered that, because it is cumbersome to amend the Constitution, a shortcut can be taken by having Congress act alone. George Washington foresaw this trend as likely to develop when he warned in his farewell address:

"Let there be no change by usurpation. For though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Mr. ERVIN. Mr. President, in closing, I should like to make it exceedingly clear that it is my consistent position that I am unalterably opposed to anyone's denying the right to vote to any qualified individual. However, by the same token, I am unalterably opposed to any attempt to vitiate, in any manner whatsoever, the most precious document in our democratic society, the Constitution of the United States of America.

I do not doubt the sincerity of individuals proposing legislation such as that now pending before the Subcommittee on Constitutional Rights. However, it seems unfortunate to me that these proponents in their advocacy have oftentimes generated more heat than light. They have talked largely about sociological problems; however pressing such problems may be, there is none which

justifies the nullification of the keystone of our system of government. Democratic process requires orderly procedure, and in our country it is predicated upon our Constitution. It would be tragic, indeed, if the Members of Congress failed to give these bills the close scrutiny which they deserve. The issues presented are not sociological, but constitutional ones. This is the first attempt, in our Nation's history, Congress has made to legislate voter qualifications. The guarantees afforded the individual and the State by the Constitution are too precious to be secunded to contemporary pressure groups, however sincere their beliefs and objectives.

The Constitution must be preserved for all Americans for all time, regardless of race, color, or creed. These measures are among the most important that will be considered by this Congress. I urge each Member of the Senate to give them careful study.

SPRUILLE BRADEN

Mr. YOUNG of Ohio. Mr. President, late last week must have been the silly season here in Washington. The Daughters of the American Revolution in convention gave an Army major the chance he eagerly accepted to make a fool of himself.

His superior officers in the Armed Forces tried their best to keep him from making a denunciatory statement against fellow Americans based on anonymous gossip, unverified accusations, discarded conjecture, and political malice. Yet, this major, who holds a responsible position commanding officers junior to him and enlisted men, eagerly made this speech notwithstanding, and very properly the Army has suspended him from his command pending an investigation of his folly.

Those in authority know that the wise men who wrote the Constitution of our country provided that civil authority must always remain supreme over military authority. Officers in our armed services may condemn communism as a form of government or draw unfavorable comparison between the Communist system and our system. They may not sound off on foreign policy, nor make political speeches, nor denounce high officials in our Government.

That is not muzzling of the military.

Mr. President, on the subject of muzzling of the military, former Adm. Arleigh Burke, whose speeches were on occasion censored during the Eisenhower administration, said:

> There are certain things which military men should not say. There are certain things which if said would do harm to the Government. So there is no objection to having speeches cleared. I don't think that military leaders are muzzled.

A man in private life is free to speak out in any manner in any forum he chooses, but Defense Department officials and commanding officers in our Armed Forces very properly try to keep officers from embarrassing the Secretary of Defense or leaders of the Armed Forces, and from making outlandish statements or giving vent to inflammatory and untruthful utterances wholly without justification and directly contrary to the welfare of the Nation and the foreign policy of our country.

At about the same time, a civilian sounded off. This man, unfortunately, had held positions of honor and trust in the past, and his bombastic utterances may have an influence far beyond any justification. He was guilty of making offensive, irresponsible, and reckless statements. I refer to Spruille Braden.

Spruille Braden is to be condemned and denounced for his inflammatory and irresponsible public utterances advocating an invasion of Cuba by the Armed Forces of this Nation, evidently without delay and without consultation with leaders of Latin American Republics in Central and South America.

This unintelligent man said this is the only way to rid the Caribbean country of communism. He is further reported as asserting, "if we wipe out the Communists in Cuba, they will fail everywhere else in the Americas."

Unfortunately, directly the opposite would occur. He is advocating that this Nation become an aggressor; that we by our own ill-advised, overt acts of force and violence against men, women, and children of Cuba foster and promote communism, gain sympathy for Castro and Castroism, and cause the peoples of Mexico, Central and South America and the heads of state of those Republics to look upon us with fear and apprehension. Were this Nation to wage this aggressive war and participate in such an action, Castro would go, and also the respect and admiration for the United States in the foreign offices of now friendly nations the world over.

Whatever action officials of our State Department take or should take against Cuba and Castro, prudence and good judgment indicate that this should not be a unilateral act of aggression on our part alone, but should be in cooperation with the Organization of American States and side by side with the Republics of Central and South America that are our friends and good neighbors.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may have 2 additional minutes to conclude my remarks.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. Mr. President, it should seem unthinkable for us to take the aggressive on our own and wage a shooting war against Castro and the Cubans. Such an ill-advised action at this time would deal a death blow to our Alliance for Progress.

No attention should be given to this individual apparently seeking publicity by urging violence and advocating that we Americans indulge in a day of infamy. Unfortunately, he at one time was a U.S. Ambassador. I hope that there are not presently any Spruille Bradens in our State Department in any capacity.

This man has denounced President Kennedy's 10-year Alliance for Progress program to aid Latin American countries. Were his extremist belligerent views to prevail the Alliance for Progress and Organization of American States would be dead.

He proposes our Armed Forces immediately and quickly drive communism out of Cuba and then we continue our acts of aggression and drive communism out of the rest of the hemisphere. Of course, he adds, including our own country.

It seems strange that Braden at one time was the Ambassador of our country to the Argentine Republic, to Colombia, and was an Assistant Secretary of State. It is evident we are well rid of him and that his intemperate remarks are now those of a private citizen only.

I am wondering if Mr. Braden is a member of that lunatic right-wing fringe—the John Birch Society, so-called. Also, I am wondering if now that he occupies no public position, he considers such reckless, irresponsible proposals as an American invasion of Cuba, though it might cost the lives of many men in our Armed Forces and of tens of thousands of Cuban men, women, and children, will result in some personal publicity or notoriety.

I denounce and repudiate the rash, intemperate statements made by this fascist-minded ex-officeholder. It is a good thing for the United States that he is an ex-officeholder.

RESOURCE DEVELOPMENT TRIBUTE TO DAVID CARLEY, OF WISCONSIN

Mr. PROXMIRE. Mr. President, one of the most dynamic, controversial, and interesting public officials Wisconsin has had in a long, long time is David Carley, who is head of the department of resource development in our State. This week a Milwaukee publication entitled "Let's See," published a very comprehensive and enlightening article on Mr. Carley. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAVID CARLEY

One of the maxims of nearly everyone's youth urged the success-seeker to "do one thing well," or, in the negative language common to advice, avoid being a "jack of all trades, master of none." Other folk wisdom of the day included admonitions to "be seen not heard," "listen to your elders," mind your own "p's" and "q's," and, of course, "stick to your last." A young jack of all trades (and master of quite a few) who has risen rapidly by being heard often and by his elders, minding the whole alphabet of everybody's business, and sticking to his last until the first new thing of sufficient interest comes along, is the energetic director of a still new, insufficiently known and vastly important agency of the State government of Wisconsin. His canny verbal markmanship and readiness to trade wingshots; his youth and exuberance; the luster his department sheds on fellow Democrats but also steals from them; the lingering suspicion that he is Governor Nelson's heir apparent; the jealousy and antagonism that doers have always aroused—these have all contributed to

making him easily the most controversial personality in State government today.

For nearly 4 years, L. David Carley, buzzsaw infighter and gay wit, precise scholar and political extrovert, tough-minded realist and bold romantic, has served brilliantly, by most accounts, in the administration of Gov. Gaylord Nelson, initially as a staff member and for the past 2 years as the almost hyperthyroidally active chief of the department of resource development. Like many of the new men who make their own rules as they whirl along in an age where the old solutions often don't apply, 33-year-old Carley has earned the plaudits of some and the ire of others in his new job. To this reporter, Governor Nelson described him as "a remarkably able eclectic. He can take a wide variety of materials on virtually any subject he has to deal with and master it quickly, organize a project to resolve it and then follow through with unusual thoroughness." Lt. Gov. Warren Knowles delivered a contrasting opinion: "He has all the energy in the world when promoting a cause, but it is evident that he is like a misguided missile." News Analyst John Wyngaard acidly commented: "Carley would no more dream of leaving town to make a speech in North Overshoe, Wis., without distributing in advance a press release that would avoid using a pedantic word in that speech where a simpler one would do." But Wyngaard added: "He is a controversial personality in a controversial department. There isn't much doubt that Carley's division is one of the show-pieces of the Democratic State administration." From the opposing side of the aisle, he has been labeled "aggressive," "an empire builder," and "overly ambitious," but for reasons that soon become obvious, never "incompetent," "lazy," or "run of the mill."

Curiously, and yet logically—considering the dust he stirs up—the ebullient young department head has never been confirmed by the State senate in his present position, although the law requires it. In three sessions, that deliberative body quite deliberately refused to either confirm or reject—or even consider—his appointment, and, finally, in the closing day of the 1962 session, the senate agreed to reject him. Meanwhile, Carley continued to serve, by a legal fiction, on an interim basis, doubtless the most confident and decisive of the legally fictitious, interim department heads in the State's history. This bizarre state of affairs might be expected to pique the unrecognized appointee; instead, it has evoked the best of his abilities and the sharpest from his gifted tongue. "The Republicans' refusal to shoot or get off the pad hasn't deterred the launching of this department," Carley said recently, "which is precisely what they had in mind by not confirming the Governor's appointee to this new department. This administration and this department," he went on briskly, "have made a lot of friends by performing services our predecessors neglected but citizens paid for. Most important, in place of the withering-corpse theory of State government, we're restoring the vitality of the State government as a viable instrument of public policy."

Political infighting and governmental philosophy aside, there can be little doubt that David Carley does see his resource development department—conceived while he was on the Governor's personal staff and at least as much his brainchild as Nelson's—as "a viable instrument of public policy." Chapter 109 of the Wisconsin Statutes, which created the department in 1959, is clearly designed to allow the director, presumably with the Governor's consent, to range as far as his legs, his voice, and his mind can carry him. The territories staked out as his legitimate province (ignoring for the moment Carley's tendencies to establish squatter's rights or even poach) are truly vast: geographically, the 72 counties and the cities and villages bursting their seams; administratively, all State planning, development, renewal, promotion, research and liaison with the Federal and other governments.

It's a tall order and we wondered how a big first-generation Swede, former baseball and football player with a Ph. D. and no party "pull," was expected, or even asked to fill that order. Officially, Dave Carley sums up the first 29, or pre-Nelson, years of his life as though they hardly counted; the meager 10-line biography which precedes his frequent speech appearances surely sets a record in brevity for public officials. Born on June 13, 1928, in Detroit, where he attended and graduated from the public school system, he then earned a B.A. degree from Western Michigan University in 1950. Next in sequence came a 2-year stint as assistant city manager of Kalamazoo, Mich., where he also picked up a master's degree in public administration. A move to Madison, Wis., followed, plus 2 more years of course work toward a doctorate in political science.

In need of a job while he wrote the required thesis, the fast-stepping bureaucrat-scholar became research director of the State chamber of commerce, a post he held from 1954 to 1958 and which signals the start of his political troubles. Some conservative chamberites looked askance at the unusually liberal positions the State chamber seemed suddenly to be taking (in favor of the Milwaukee metropolitan study commission, added legal power to municipalities, increased gasoline taxes for the State highway program), while others nervously eyed a growing friendship with Democratic State Senator Gaylord Nelson (whom Carley invited to address the chamber for the first time in his senate career). Following Nelson's election victory and Carley's appointment, one columnist summed up: "Most Republicans feel that Carley is a kind of apostate, not because the chamber should have on its staff only Republicans, but because they never dreamed it would produce for Nelson a key lieutenant who turns out to be a keen and aggressive ideological Democrat." Meanwhile, liberal record in the chamber notwithstanding, key Nelson lieutenant or not, there are labor leaders and party chiefs who reportedly vow they won't let the tough-minded young infighter forget he once worked for the chamber of commerce. There is no sign that Dave Carley's trying to hide that or anything else he does.

When we drove along Route 30 very early one March morning, the late snow still heaped by the roadside, we headed, by arrangement, for the Carley home first. You can see the large house from away off: flat-roofed and I-shaped, the prefabricated ranch-home, at 1500 Capital Avenue on the outskirts of town, stands at the highest point of a cul-de-sac 5-acre subdivision, and the distant picture in some ways suggested the man we expected to find.

We walked up the sandstone driveway ("Nelson and I dug those stones out and built that ourselves—look at it crumble to pieces") and waited until the din inside subsided before Adele Kuemper Carley answered. A handsome brunette in white blouse and black, trim slacks ("my housekeeping uniform"), she apologized for the slight delay: "Dave is out so much he romps double-time with the kids when he's home and it sounds like thunder in here." First to catch our eye were the children, all blonde, blue-eyed Viking types: Laurie, aged 10 (a girl, though Carley's actual first name is Laurie—they waited 8 days before naming her because they expected a boy), Michal Ann, 6 (another girl, "in the Old Testament, David's first wife") and sturdy James Andrew, an alert 3-year-old—a boy.

When Carley climbed up from the living room rug, clad in buff, cable-knit sweater, suntans, and calf-high boots with thick soles ("my home combat uniform"), he looked even bigger than his 6-foot, 210 pounds and spoke crisply but much more softly than we expected. A four-letter man in high school (football, basketball, baseball, and track), he pitched for the Nation's amateur championship-winning team at 19, played semipro baseball for the Kalamazoo American Legion club, has somewhere a jugful of track medals, spends more time reading than running these days. Settling in the comfortable, picture-lined living room with a smoking cup of Adele's coffee, we covered all the standard topics and took down some decidedly nonstandard answers.

Origin: eldest son of Swedish immigrant parents; father named Berndt Brilon Karle Forsberg. Nobody pronounced the Swedish "g" in Forsberg (means "snow on the mountain") to satisfaction, so preferring nothing to half measures, Berndt dropped the Forsberg and, on judicial advice, anglicized "Karle" to a pronounceable "Carley," where the matter stands.

Religion: Protestant, attends regularly a small, nondenominational church near home. (Adele: "He won't mention it, but he's taught Sunday school for 20 years." Carley: "I stopped a year and a half ago, because of my crazy schedule, but I'll get back to it.")

Crazy schedule: "Our office lights are burning 6 or 7 nights a week. I've got the most devoted and talented staff in State government." Asked what she thought of all that, Adele adds: "Well, I sometimes kid him about keeping a cot in the office and ferrying meals to him, but he does play with the children as much as possible. Anyway, he bribes me by taking me out when he can, and I have to admit the friends he takes home don't just talk shop—they're interesting."

Interesting friends: "Mostly university people in various fields, staff and other government people, the Nelsons, a few neighbors, people I just meet who read or have good minds." (From here on, we shouted from room to room, as he shaved and dressed for the office; the older children had taken the bus to Crestwood Public School.)

Music and art, books: "Wife gave me a course in music appreciation about a dozen years ago, thank God. I like Italian opera, especially Puccini." (Adele, formerly a biochemist in nutritional research, has a fine contralto, soloed in Madison Messiah chorus, still sings with civic chorus; old-style pump organ and piano in house attest to continuing interest.) "The Modigliani print on that wall is my favorite, Adele likes the Utrillo over there. I like poetry (favorite, Edna St. Vincent Millay), tragedy, haven't read a novel in 14 years, read as much nonfiction as I can." Reads fast, prefers reading in depth, talks about authors instead of titles: Riesman, James McGregor Burns, the junior Schlesinger and "anything I find by FDR and Woodrow Wilson."

Personal habits: stays up even later than Gaylord Nelson, rises early under any conditions ("the light bothers me"), fast talker, fast driver, fast eater. Loves seafood (only in the East—you can't get it right out here"), steak, and potatoes; doesn't smoke or drink (Adele: "Does he look like he needs stimulation?"), likes to go swimming with family for recreation. Helpless with tools (started basement library, called in professional to finish job), enjoys planting trees on acreage behind house (oak, red maples, dogwood, white birch, juniper), loved outdoors as a boy—only gets there now to plan recreation areas for use of others.

Other incidental intelligence: Met wife in anatomy class; she sat at next bench dissecting cats—a bet over feline corpse started dating arrangement, married 5 months later. Intended to marry at 30, prospective bride wouldn't wait 9 years, so did it anyway at 21, with no regrets over premature contract.

Bought roominghouse in Madison to help pay way through school, supplied room and occasional board to six students, all Indian Indians, who spread the word back home and kept a rotating supply of students in Carley home, known in Delhi as "India House."

Soft-spoken, relaxed, laughing and quipping at home, it's a quite different L. David Carley at the office. Well groomed in dark green, ivy-cut suit with button-down shirt and silk rep tie, he paces around his large office (at least 12 by 20 feet), telephones—1 minute or less for most calls—darts into an outer office, shuffles papers, and fires a steady barrage of information about the first job that has really extended him. He may have been making up that day for lost time; we arrived in the office at 9:10, a good hour late for Carley, and he swept self-consciously past wall charts and cluttered desks in the outer offices, greeted busy Helen Wiskowski, his capable secretary.

We seated ourselves in his high-ceilinged office on the first floor of the capitol building (8 rooms for the department on the first floor, plus two complete floors above, all in the south wing of the massive structure), and inspected the cream-colored room for clues. A desk and two library tables supported piles of reports, manuscripts, and speeches he was in the midst of, the desk placed so he could look out the large window onto busy West Washington Street. Somewhat anomalous was the Utrillo print on the wall, perhaps in tribute to his wife's taste in art, possibly a self-reminder to leave the night-functioning office and head for home.

When the interviewer's probings drifted into the broad realm of his department, the laconic pose and dry wit at home evaporated and an ensuing flood of well-articulated facts and ideas inundated the scribbling listener. "Here, take this with you," he ordered, poking among the desks and file cabinets, gathering pounds of reports and releases for the reporter to take home; "we got into a good fight last year on the forest crop law. And here's that testimony on airports I mentioned a moment ago—the guts of it starts on page 6 or so." Things getting out of hand, we asked for some account of how one keeps track of an all-embracing department, and, more important, how one evaluates the performance of a department and a director concerned mainly with planning.

A fair share of the bustling young executive's work, we learned, consists of selling the message, i.e., convincing small town and rural inhabitants, especially businessmen hardly enamored of the spreading tentacles of government, that big government is here to stay and can handle certain jobs that localities can't, and that, moreover, help available to them is now going by default to communities in other States. "As a matter of simple fact," he says, puckishly, "the most common reaction as an institute on, say, planning—we've held dozens of them—is, 'Why didn't somebody tell me about this before?' like a boy who's suddenly found out about kissing."

We asked for an example, not of adolescent, but adult discovery. A good one, he informed us, is the so-called 701 Planning Assistance, nicknamed for section 701 of the Housing Act of 1954, which supplies Federal funds for planning in localities under 50,000 in population. "These communities badly need planning," Carley said. "They're growing, they have the same problems of blight, transportation, zoning, and school needs as larger cities, sometimes greater problems, but they simply haven't got the money and the staff to work up broad, practical plans and push them through. When they find the Federal Government will pay up to three-fourths the cost and that the State government will help, too, that gripping tentacle of government looks more like a friendly handshake." Any special techniques to overcome initial resistance? "Bluntness," he says. "Just describe the problems they already know about and estimate the costs of either ignoring or solving them. It helps," he added, smiling, "if you tell them 701 was put through under Eisenhower." Between 1954 and 1959, the first 5 years of the planning-assistance law, only three Wisconsin cities had applied for 701 money; during Carley's 2-year tenure as resource development chief, about 10 times that number, including Oshkosh, Beloit, Port Washington and La Crosse, have gotten these funds, while cities like Green Bay and Appleton are now prospective applicants. Though he insists on claiming no specific achievements in any area (we just offer advice and help), the stepped-up level of interest here is clearly at least due in part to his missionary zeal and the department's technical aid in preparing applications.

Because of old feuds, complicated by lingering suspicions in some quarters of the whole field of planning, the department of resource development has come in for rough sledding in the past, including attempts to kill it altogether. A year ago, when Carley submitted departmental budget requests to the legislature, the Madison Capital Times reported: "Republicans on the joint finance committee demonstrated their antagonism to David Carley, director of the department of resource development, late Wednesday by lopping $134,677 from his 1961–63 budget, the deepest percentage cut made thus far in any agency. Other GOP members felt this was treating Carley too kindly." The conservative State Journal said simply: "Carley's department is one of the prime targets of the GOP legislature." The Wisconsin Rapids Tribune reported: "Joint finance committee members accused Carley of empire building and slashed budget requests for seven additional planners. He promptly requested a second appearance before the committee to rebut their claims and got into a bitter battle with assemblymen Borg (Devalan) and Merrian (Janesville)."

A recent major achievement, however, makes further attempts to scuttle the department, or seriously curtail it, unlikely. In the last days of February, Carley unveiled before department heads, planners, and government officials assembled at the Wisconsin Center in Madison the first phase of his magnum opus: the State planning program. First of its kind in the country, the program bears a price tag of $175,000 (plus matching Federal funds) and, like most comprehensive planning efforts, attempts to preserve and enhance assets worth thousands of times the amount of the planning investment. Speaking rapidly as usual (platform rate, nearly 200 words per minute), he swept, in 45 minutes, over a staggering range of topics: population growth projections, economic forecasts by county, land use analysis, transportation and recreation, education, public institutions and others.

A Madison-based reporter summed up: "The resource development department, which has been a beehive of activity these many months, finally had its big day, with Director David Carley as master of ceremonies. The presentation was impressive." The Milwaukee Journal added, editorially: "This is State planning with a new dimension. It is statewide planning, not instead of but in step with regional and community planning." The Governors of Indiana, Michigan, Minnesota, and Ohio have requested meetings to discuss the plan, and Carley will fly down to Tennessee shortly to tell its legislature about this pioneer effort.

Hoping to work the same magic in the critical but resistant area of industrial development, Carley recently conducted a statewide series of 11 regional conferences, 3 hours each in length and including delegates from all 72 counties, designed to kick off what he terms "Wisconsin's first real program of industrial development." Clocking 11,000 miles in a week on the hustings, Carley made no pretense of giving his listeners what they wanted to hear: "The climate for business is this State was bad, partly because of the tax burden and partly because of what businessmen have to say about the State where they live and make their money. The Nelson administration did something about the first—we're the only State in the Nation to show a reduction on taxes business will have to pay; now the businessmen will have to tend to the second obstacle to growth by talking up their State to their counterparts in Wisconsin and elsewhere." In addition to describing services available through his department, he also urged adoption of a financing fund for industry, as a dozen other States have.

Between stumping the State for a variety of programs, the energetic resource director has managed to author a well-received scholarly article (Wisconsin Law Review, 120 pages in two installments) on the extralegal powers of the Governor of Wisconsin; offer challenging testimony before a number of State commissions (e.g., in December of 1961, before the aeronautics commission, he attacked the previous distribution of Federal moneys for airports); address countless audiences on any number of subjects (has given 12 speeches in a weekend); head the Federal surplus commission's efforts to untangle the Bong Airbase fiasco and acquire the land for public and industrial purposes; supervise and help write a steady stream of research studies and reports requested by the legislature; and introduce bills to broaden the scope of his duties (successful: a complete economic study of the south shore region of Lake Superior, a new State financial aid program to assist metropolitan areas to acquire park land; unsuccessful: create an office of nuclear development in his department, to register and regulate sources of radiation). Called by one wit "an administrator by inspiration," he obviously manages, in his own hurly-burly way, to get things done, and seems quite sure he can do more—if "they" will let him. One thing seems fairly certain, though: hurrying David Carley, head of the department of resource development and careful cultivator of his own considerable resources, has not, at 33, traveled his full distance yet.

THE NEW YORK WORLD'S FAIR

Mr. PROXMIRE. Mr. President, a few days ago the Senate voted to approve an appropriation of $15 million for a building at the New York World's Fair sponsored by the Federal Government. On April 23 the New York Herald Tribune published an article by Robert S. Bird which reported on a visit by Robert Moses, of New York City, to the Seattle World's Fair. I read the part commenting on what Mr. Moses said:

Speaking with intensity, he made it clear that his inspection of the science exhibits here has altogether convinced him that the New York World's Fair must have something comparable. He seemed annoyed that quarters in Washington were trying to dissuade him from a Federal science exhibit.

He said what he would have in New York is not only a World's Fair Federal science exhibit, but one that would be housed in a building which could remain as a permanent facility—a museum of science and industry or something of that sort. It couldn't be built on the fairgrounds, he said, where foundation problems rule out a building of that kind, but rather in Manhattan itself.

Mr. President, that is exactly what we were talking about the other day when

I pointed out that New York would get everything from the Federal Government and give nothing. The article indicates that Mr. Moses will go to work on the Congress to see if the Congress will not appropriate money for a World's Fair building, not located at the fairground, but located in Manhattan.

I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT BOB MOSES COVETS

(By Robert S. Bird)

SEATTLE.—Robert Moses, head of the New York World's Fair 1964, said here yesterday that the Federal Government's space and science exhibitions at the Seattle World's Fair have completely surprised and overwhelmed him—and made him downright jealous.

He finally met with reporters, who tried vainly to find him all day Saturday while he toured the exposition incognito.

Speaking with intensity, he made it clear that his inspection of the science exhibits here has altogether convinced him that the New York World's Fair must have something comparable. He seemed annoyed that quarters in Washington were trying to dissuade him from a Federal science exhibit.

He said what he would have in New York is not only a World's Fair Federal science exhibit, but one that would be housed in a building which could remain as a permanent facility—a museum of science and industry or something of that sort. It couldn't be built on the fairgrounds, he said, where foundation problems rule out a building of that kind, but rather in Manhattan itself.

Mr. Moses said that the New York World's Fair organization had come up with brilliant ideas for a Federal science fair project, thanks to the help of leading scientists, but people in Washington would not accept the idea. They want an exhibition that "would teach the lesson of democracy," he said. Mr. Moses talked as if the Washington people have virtually said no to a World's Fair science exhibit in New York.

ROOM FOR TWO SHOWS

He gave the impression that after seeing what the Government has done here in Seattle in informing people about space and science, he is not willing to accept any substitute, and he is now reorienting his efforts in the direction of a major emphasis on science and space.

He seemed delighted with the Seattle Fair and said he had learned much useful information on the mechanics of running a fair in this decade.

Meeting with New York reporters in the office of Joseph E. Gandy, president of Seattle Century 21 Exposition, who had not been able to locate Mr. Moses for VIP treatment Saturday, the New York Fair director gave unstinted praise for the Seattle exposition. "You are off to a most auspicious start and everything I see on your opening day indicates that the Seattle Fair is all that you have claimed for it and more," he said. "There never was a sound reason for any rivalry between Seattle and New York. Both fairs are a variation of one theme, the theme of healthy, domestic and international rivalry and good will, leading straight to a peaceful world. There is plenty of room in a country like ours for two great shows 2 years apart."

SPACE STUFF BEST

Asked what he liked best about this exposition, Mr. Moses snapped back, "The space stuff. The U.S. Science Exhibition and the National Aeronautics and Space Administration exposition."

Then he went into an excited account of the importance of those exhibits saying:

"The psychological timing of the Seattle people was perfect for getting a scientific exhibition from the Government. But after they got it, the attention shifted in Washington. Word got around, when we turned in our suggestions for a scientific exhibition—and we had some very brilliant ideas from fellows like Lawrence and Shapley—but they felt there was too much emphasis on science.

"They said to us, 'Everybody's doing this now. They are going to this out in Seattle. There's too much attention paid to science.' They told us that these things go in cycles.

"And so now they are saying that most important thing for a Federal exhibition at the New York World's Fair would be to teach lessons in American democracy. Well, those are nice words but what do they mean in terms of translating them into an exhibition?"

Plainly discouraged at the trend of thinking in Washington, Mr. Moses said that now he has viewed the superb science displays for the Government here, he has negative feelings about the whole trend of Washington thinking.

WHOLESOME LESSONS

"What they want," he complained, "is for us to emphasize things other than science—things like the humanities, the pursuit of happiness, the background of the Nation and what makes it a better country than the Communist countries."

He indicated that while these were worthwhile objectives, the thing he believes the public wants is a Government exhibition of science and space arranged with the depth and scope of the one at this fair.

"There seems to be much less fault-finding and bickering here than on the Atlantic seaboard," he said. "You can give us some wholesome lessons in local leadership and citizenship. We spend too much time in the East tearing each other down."

With Mr. Moses on an extended tour of the west coast are Park Commissioner Newbold Morris, Charles Preusse, member of the New York World's Fair executive committee, Sidney M. Shapiro, general manager and chief engineer of the Long Island State Park Commission, and others.

Today the Moses party will go to Los Angeles for a meeting with Disneyland management. Mr. Moses will stay on the coast until April 27 when he will address the annual meeting of the Bay Area Council in San Francisco.

The Federal Pavilion here will remain to form a civic center in downtown Seattle. It consists of five buildings interconnected in an impressive architectural design, and equipped with everything necessary for an elaborate display of science for children from 8 years of age up to adult laymen who have no science background, or even serious-minded science students in high school and college.

The building was designed by Minoru Yamasaki of Detroit. The other buildings that are staying are an 18,000-seat coliseum, a 3,100-seat opera house, an arena seating 3,400 persons, a small playhouse theater with 800 seats, and a concert-convention hall seating 5,500.

AUTHORIZATION FOR COMMITTEE MEETING ON MAY 3

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Subcommittee on Internal Security of the Committee on the Judiciary be permitted to sit during the session of the Senate on May 3.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. Mr. President, I object.

BEAUTIFICATION OF THE CAPITOL GROUNDS

Mr. HUMPHREY. Mr. President, I am delighted to see the affable, the loquacious and the distinguished and able minority leader, the Senator from Illinois [Mr. DIRKSEN], in the Chamber, because as of yesterday he gave me a graduate course in horticulture, flower raising, varieties of flowers in flowery language that did something for my soul. It was senatorial poetry.

I wish to compliment Mr. John Lindsay on his article published in the Washington Post this morning for relating to the readers of the Washington Post what had transpired in the Senate. If nothing else had happened yesterday, this alone was worth while. At least a certain amount of column space was taken up on a subject matter that has some spiritual and esthetic content; namely, the beauty of the Washington area, and the potentiality of beautifying this area even beyond what it is at present.

However, I take exception with one or two points in the article. I am pleased to note that the minority leader is on the floor. He can help us, and give us further education in these matters, particularly now that it is the beginning of spring.

Since yesterday I have been doing some research on the subject of flowers, blooms, shrubs, trees, and plants.

While the distinguished Senator from Illinois was quite flowery in his language, and while his dissertation flowed like a brook following the spring rains, I thought that its objectivity was not quite equal to its aesthetic quality.

The Senator from Illinois, I am sure, would enjoy visiting the National Arboretum in Washington. I have come prepared today with information that will be of help to my colleagues in case they wish to explore this matter in more detail. I have before me the U.S. Department of Agriculture pamphlet on the National Arboretum. It is Pamphlet No. 309.

I call the attention of the Senator from Illinois to the fact that the Arboretum is administered by the Department of Agriculture through the Crops Research Division of the Agricultural Research Service. It was established by act of Congress on March 4, 1927, and is located in the northeast section of the District of Columbia at M Street and Maryland Avenue. I thought I would give that as a guideline so that Senators who may be interested in visiting the Arboretum will not end up out at the stadium or armory.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUMPHREY. I ask for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair

hears none, and the Senator may proceed.

Mr. HUMPHREY. The purpose of the Arboretum is to conduct research with woody plants and shrubs and to further public education with respect to trees and shrubs susceptible of cultivation in the climate prevailing in the Washington area.

Here is what Senators would see. For example, there is the rhododendron, with its handsome white, pink, or rose-purple flowers. The Cornell pink variety of the rhododendron was developed by the director of the National Arboretum, Dr. H. T. Skinner, when he was at Cornell. It blooms from late March to early April. I believe there are about 20 varieties of the rhododendron that grow in the Washington area, with beautiful coloration. We could have had these in bloom around the Capitol. All these beautiful blooms could have been here for us to admire despite the professional knowledge of the amateur gardener from Illinois.

Then there is the Camellia Japonica, which was derived and introduced by a Jesuit priest, Father Kamel, early in the 17th century. It has glossy evergreen leaves and red or white double roselike flowers and blooms from mid-March to mid-April. We could have had a whole month of these beautiful blooms and flowers to admire, despite the dissertation of the Senator from Illinois expressing worry about frost and whether or not these flowers would grow at this time of year.

Then there is the Callery pear tree or pyrus calleryiana. A new variety of it, released in 1960, is now available. This blooms from early April to mid-April. We have lost the opportunity to enjoy these beautiful blooms because of misinformation such as expressed by the Senator from Illinois.

Then there is the Pieris Japonica, or Andromeda, with its lily of the valley type bloom. Andromeda, the Senators will recall, was an Ethiopian princess who was chained to a cliff for a monster to devour, but was rescued by Perseus, who married her. This blooms from late March to late April. It blooms right here in Washington. We have lost a whole month because of the gardening habits or horticultural knowledge of the distinguished and able Senator from Illinois, which was erroneous.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. I do not wish to make this an Illinois-Minnesota colloquy, but inasmuch as the Senator from Minnesota has mentioned the sad fate of Andromeda, I should like to inquire whether he is going to play the part of Perseus and rescue Andromeda from her chained position on the rock.

Mr. HUMPHREY. That sounds like an honorable and chivalrous activity. I would not mind having the privilege of doing that.

Then, of course, there are varieties of flowers that bloom from early April, up to early May, in this climate. They are the pansy, the daffodil, and the tulip. I want to compliment the distinguished Senator from Illinois for mentioning the daffodil. He spoke about how beautiful is the daffodil. Then, why do we not have daffodils planted around the Capitol? He also spoke of the tulip. All over Washington one sees tulips in bloom at this time of year. We could have had many tulips blooming around the Capitol, and thus honor one of our NATO allies, Holland, at the same time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUMPHREY. I must continue. I ask for additional time. It is hard to discuss a subject like this in 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. I trust that the distinguished Senator from Minnesota, who is presently displaying this wide knowledge of flowers, will not forget the State of his birth, South Dakota, and overlook the potentials of the crocus.

Mr. HUMPHREY. I was coming to that, I assure the Senator.

Mr. CASE of South Dakota. The anemone is the State flower of South Dakota.

Mr. HUMPHREY. My heart was opening like a tulip or crocus.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. AIKEN. It seems to me that the anemone sometimes called pasque flower and the crocus should not be confused. There is a European species called anemone pulsatilla. The anemone patens is the State flower of South Dakota.

Mr. HUMPHREY. There is an apparent fund of knowledge about flowers in the Senate, including the Latin names for many of them.

Mr. AIKEN. The State flower of South Dakota is not a crocus.

Mr. HUMPHREY. We call it the crocus.

Mr. AIKEN. The anemone patens is the State flower of South Dakota. It is an anemone——

Mr. CASE of South Dakota. Yes. The anemone is the name of the flower that we apply to the publication of the Black Hills Teachers College at Spearfish. "Pasque Petals" is the name of the South Dakota poetry magazine. However, I will say that most of us in the spring go out looking for the crocus.

Mr. HUMPHREY. The Senator is correct. Then there is the hyacinth, a plant fabled in the classic mythology to have sprung from the blood of Hyacinthus, a youth beloved by Apollo and accidently killed by him. From his blood Apollo caused the hyacinth to spring.

Here again is a flower that blooms in Washington, and one we could have enjoyed during the past month. It is derived from one of the great stories of mythology. We could have had our citizenry think about all this, had these flowers been planted around the terrace of the Capitol.

Then there is the crocus, which will come up through the snow, and the forsythia, a plant with yellow bell-shaped flowers appearing before the leaves in the early spring.

All these blooms and flowers would have blossomed even before April.

Among the woody plants, there is the dogwood and the redbud, with its heart-shaped leaves and small pink flowers. Both blossom from late April to early May.

Then, of course, there is the azalea, which starts blooming in late April and continues through May. Right now there are beautiful azaleas in bloom at the National Arboretum. There are literally dozens of varieties of azaleas. All these may be seen at the National Arboretum.

Also, the beautiful azaleas are in bloom in the National Arboretum.

Sometime, when the Senator from Illinois is traveling to and from work, he should drive by the Department of the Interior, where a small park faces Virginia Avenue. In it, he will see beautiful pansy beds. Pansies have been blooming there for the last 3 weeks. They have been blooming, that is, in front of the Department of the Interior, not at the Capitol, where thousands of our fellow citizens come every day to visit.

Or, the Senator might drive by the Tidal Basin and see the beautiful azaleas and hyacinths which have been in bloom for 3 weeks.

Mr. President, I wish to pay tribute to the many flower clubs throughout the United States. Everyone should go to a flower show and see the beautiful early varieties. A flower show was held in Washington during the first part of March. It was a sight to behold. Flowers were everywhere, and all of them beautiful. Flower clubs have made a notable contribution to the development of new varieties. They should be commended and encouraged to continue to expand their fine efforts.

Now as to frosts. I now realize why we have had such a bad winter—storms and floods. It is because for several years the Weather Bureau has been under Republican jurisdiction. After listening to the distinguished minority leader yesterday, I can plainly understand why we cannot rely on Republican weather forecasts. According to the actual statistics, the last frost in 1961—that is, with the temperature at 32 degrees—was on April 3. The average date of the last frost in Washington is April 10.

Mind you, Mr. President, all the flowers of which we have spoken thus far seem to endure frost with little or no trouble.

They are hardy plants, particularly the crocus, the tulip, the hyacinth, and the rhododendron; and all of them are beautiful plants.

The Senator from Illinois [Mr. DIRKSEN] was, however, accurate in one detail. The latest date of a frost this year 1962 was April 20—that is, for the suburbs. But we are now talking about the Capital. The latest date on record for a frost in Washington is May 12, 1913.

That is according to the records of the Weather Bureau.

So, Mr. President, I thought perhaps we ought to set the record straight. I know that I am about to receive another one of the Senator's eloquent responses.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. Lindsay, of the Post, said:

> The next time Senator HUBERT HUMPHREY has a complaint about the paucity of flowers blooming at the Capitol, he'll probably keep it to himself.

I suppose a wise and prudent man would have done that; but I am more reckless. Mr. Lindsay continued:

> The scarcity of blooms was all he had in mind yesterday when he took the Senate floor. But somehow he pulled the wrong lever and went down under a gentle torrent of verbal petals that fell from the lips of Senator EVERETT DIRKSEN.

I would say that was terrific. I am deeply indebted to our good friend from Illinois. But I thought that since he had inspired me to so great a love of nature, I would do some research. So I studied the National Gardener, the Fern Valley Trail, and a History of the National Arboretum, and other publications.

I have learned that camellias, tulips, pansies, hyacinths, are recommended for the Washington area, as are rhododendron and azaleas, all of which the distinguished Senator from Illinois should know, but first it is necessary to plant them.

Also I have acquired a "hardiness weather zone map." I suggest the minority leader study it. This is no trouble for the distinguished Senator. His knowledge of the weather, varieties of plants and flowers, of soil and topographical conditions is of little help to his knowledge of the terraces of the Capitol in Washington, D.C. He is an expert on Illinois planting conditions; but when it comes to Washington, D.C., he is a fiction writer. But his voice does flow like the gentle breeze when he talks about the beautiful flowers.

After the Senator from Illinois has given me another lecture about flowers, I hope he will try to assist me in securing a few benches to be placed on the Mall and around the Capitol terraces, so that visitors will be able to take a rest. I know the Senator from Illinois knows how to build benches, too; so I am prepared to take my seat for the next lecture.

Mr. DIRKSEN. Mr. President, the Senator from Minnesota not only pulled the wrong lever yesterday, but he has been pulling it all day and all night, assembling all these data. He reminds me of an agricultural specialist who went to South Dakota and visited a farm. Finally he got his ire up and said to the farmer, "I don't believe you could get any more than 2 quarts of milk out of that goat." The farmer said, "You are so right. It isn't a goat; it's a sheep."

Yesterday the Senator was talking about flowers. Today he talks about forsythia. Well, I suppose anyone who has had anything to do with flowers knows that forsythia is a shrub. The Senator from Minnesota has spoken of azaleas. With rare success, I have tried to coax them out of the acid soil. But the azalea is a shrub, not a flower.

The Senator speaks in glowing terms about the delicate shades of rhododendron. How wonderfully right he is, except that the rhododendron is a shrub which grows quite high. It is not a flower at all.

When it comes to the narcissus, of course it is possible to grow narcissus which are frostproof. However, they do not last very long.

The gardeners who look after the Capitol, when they fill the empty beds, seek to plant flowers that will stand up and bloom all through the late spring and summer to delight the eyes of the thousands of visitors to the Capitol.

So, Mr. President, I am going to take my friend in hand.

Mr. HUMPHREY. Ah, good.

Mr. DIRKSEN. I am going to take him out to those rather impoverished acres of mine and give him some elementary lectures on the difference between a flower and a shrub.

Mr. HUMPHREY. Mr. President, I know the Senator from Illinois would want to yield. I have seen shrubs with their blooms on occasion, even in the acid soil; and when the blooms are forthcoming, we call them flowers—that is, we simple country folk call them flowers. I cannot say what the professional person calls them. But if the Senator from Illinois does not think the beautiful azalea is a flower, he should talk to the ladies about them, because they consider them lovely blooms, lovely flowers, just as they consider the blooms of the rhododendron and other shrubs, flowers, and blossoms of beauty and grace.

But I take the Senator's word. His flowery language overwhelms me, and makes me feel he knows more about flowers than I will ever know. I will accept the statement of the senatorial professor of horticulture.

Mr. DIRKSEN. Whenever the Senator from Minnesota can convert the Senate or anyone else who is rooted in the soil to believe that a flower is a shrub, I will nominate him to the next vacant seat on the Supreme Court of the United States.

Mr. HUMPHREY. I thank the Senator from Illinois.

REQUEST FOR COMMITTEE MEETING DURING SENATE SESSION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Special Committee Investigating Stockpiling be permitted to sit during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, with deep regret, I must object.

The PRESIDING OFFICER. Objection is heard.

DECLINE IN STOCK PRICES

Mr. DWORSHAK. Mr. President, I sincerely hope that the very discerning assistant majority leader had time this morning to read the financial pages of the Washington Post and other newspapers. If he did, he learned that yesterday there was a terrific downtrend on Wall Street, with stock price averages actually crashing at a rate faster than at any time during the past year; and I am sure that the alert acting majority leader would have concluded, as have millions of investors in stocks of American business and industry, that this spectacle is more or less a reflected and psychological reaction to the lack of confidence on the part of business and industrial leaders in the dictatorial actions we have witnessed for some time in the White House.

I urge my good friend, the senior Senator from Minnesota [Mr. HUMPHREY], to use his very extensive influence with the Department of Justice and to prevail upon the Attorney General to take appropriate action to investigate why there is such deflationary action in Wall Street, and why there is today, throughout the country, a rising tide of resentment and of lack of confidence in the New Frontier administration.

I do hope that the senior Senator from Minnesota will be more successful than he was about 10 days ago, when he gave me assurances that he would call the attention of the Department of Justice to the action taken by the owners of the Merchandise Mart, in Chicago, in raising rents.

Mr. President, I think we have reached a time, as we talk about Communist infiltration and Communist aggression, and as constant efforts are being made by the Congress to curb inflationary trends, when the American people have a right to know whether any sense of fair play and effective action will be demonstrated by the Department of Justice. Finally, possibly the senior Senator from Minnesota might be successful in getting the President to issue an Executive command or an order to the effect that stock prices on Wall Street shall not continue this precipitous downtrend and thus pose the serious threat of another recession.

Mr. HUMPHREY. Mr. President, I would be more than happy to accommodate the Senator from Idaho in all of his requests. He has so much confidence and faith in me that I am overwhelmed.

His was not exactly a flowery speech; I gather that it may have had a few thorns and prickles in it.

But I assure the Senator from Idaho that my influence is not as great as he thinks it is, even though I am flattered by his remarks.

However, if I can be of service to a colleague, of course I am happy to extend the hand of fellowship and cooperation, and I shall be glad to do so.

But I would not want to tell the President, not even by suggestion, that he should try to manipulate the stock market either up or down. I am sure that both the Senator from Idaho and I want free enterprise to continue. It is true

that with it, there are some risks; but I think that, even so, the country will be in rather good shape.

So if the Senator from Idaho will bear with us, I think even those concerned with the stock market will be happy.

In the meantime, if the Senator from Idaho will not spend quite so much time reading the financial pages of the newspapers, but will consider what the public has been saying about the President and about the New Frontier, I am sure the Senator will be reassured, because President John Fitzgerald Kennedy is doing quite well, and I think he will continue to do so—and with the cooperation of the Senator from Idaho and, of course, the cooperation of the Senator from Minnesota.

I thank the Senator from Idaho for his faith and trust in me.

ALASKA: PLACE OF SOLUTION

Mr. BARTLETT. Mr. President, Maj. Gen. J. H. Michaelis, commanding general, U.S. Army, Alaska, has written an article for the March 31 issue of the Army-Navy-Air Force Register which I believe will be of great interest to those who have not yet had an opportunity to read it. General Michaelis, who has been promoted to three-star rank and who will soon be leaving Alaska to assume a new command in Europe, is an outstanding soldier. His appraisal of the strategic importance of Alaska and of the need for Arctic trained combat forces is one which should command the attention of everyone interested in our defense effort.

It is because the views expressed by General Michaelis come from so authoritative a source that I commend his article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA: THE BEST PLACE TO SOLVE PROBLEMS OF FUTURE WARS

Alaska, America's northernmost outpost, stands only 50 miles from the heavily armed Soviet Far East.

In the air and missile age, Alaska is at the heart of the geopolitical picture. In the words of Senator E. L. BARTLETT, speaking before the U.S. Senate: "It is a shield against air and missile attack from Russia. It is a sword ready to strike back against unprovoked attack."

U.S. Army, Alaska, ground component of the unified Alaskan command, is responsible for defense of the Alaskan airbases which contribute an important element of protection against attack on the continental United States. USARAL has the important additional mission of developing U.S. Army doctrine for northern operations.

Defensive mission: USARAL's defensive mission includes an air defense role, for which two battalions of Nike-Hercules missiles are deployed near the main airbases, and a ground defense task.

Two independent combined arms task forces, based on infantry battle groups, are assigned for initial ground defense against airborne attack. The importance of the USARAL defensive mission is far greater than is indicated by the size of the forces allocated for execution of that mission.

Doctrinal mission: The USARAL doctrinal mission is equally important, for in Alaska today are being developed many of the capabilities that the Army of tomorrow will require throughout the world.

In training for its ground defensive mission, USARAL works actively with the concept of dispersed operations by small, independent task forces.

Such forces are essential in large wilderness areas where a few thousand troops must protect several main bases hundreds of miles apart, maintain lines of communication within an area of perhaps 100,000 square miles, and be prepared to meet and destroy enemy lodgements anywhere along a 26,000-mile coastline.

Only light, powerful, air-mobile, self-sustaining task forces can perform this variety of missions under northern conditions. The same kind of force—small, powerful, and highly mobile, both strategically and tactically—is needed for police actions on the Communist periphery, for small wars anywhere in the world, and as the basic organization for the nuclear battlefield.

Development program: Creation of a type force that meets these specifications is the objective of the Army's northern operations development program. Alaska is the location of a growing concentration of research, development, and testing activities engaged in improvement of cold weather capabilities.

For several years the Arctic test board has conducted the Army's cold weather service testing of new materiel at Fort Greely. The chemical test team at Fort Greely is the Chemical Corps' cold weather research activity.

In the past year, research and development engineering test teams have been transferred from Fort Churchill, Canada, to Fort Wainwright, where the Air Force Arctic Aeromedical Laboratory is also located. At College, Alaska, a few miles away, the University of Alaska conducts an active and important research program. At Barrow, farthest northern part of the North American Continent, the University of Alaska operates the Navy's Arctic Research Laboratory.

Many of the Army's research establishments in CONUS maintain field activities in Alaska, among them the Cold Regions Research and Engineering Laboratory and the transportation board.

USARAL's operational forces engage in continuing experiments with improved concepts, techniques, and materiel, and USARAL's tactical exercises—particularly the annual Army cold-weather maneuver—afford unequaled conditions for investigation of northern operations problems by all military and associated civilian research and development agencies.

No giant icebox: Alaska is not the giant icebox of popular opinion, and the operating problems which distinguish northern operations from, for example, those of Central Europe are in many important ways similar to the problems met in tropical jungles and other primitive regions.

Even the cold of the Alaskan winter is not really unique; winter cold on the plains of Russia is as severe as the bitter weather of interior Alaska in January and February.

In summer, temperatures range from a pleasant 80° on the coast of the Gulf of Alaska to 100° in the interior. Under the 24-hour daylight of the high summer, the ground thaws and flowers bloom profusely—but insects come in clouds and the ground becomes a tremendous bog.

Summer operations are more difficult in many ways than winter operations and, since swamp mobility is the same anywhere in the world, USARAL's success in solving summer operating problems is a measure of the Army's success in meeting the problems of swamp operations generally.

Critical demands: Winter's low temperatures make critical demands on equipment. During a 2-week period of extreme cold in December 1961, the consumption of tires at Fort Greely, Alaska, equaled the previous year's usage.

When temperatures reached 70° below zero at Tanacross, aircraft mechanics drained lubricating oil from piston-engine aircraft directly onto the clean snow, waited a moment, then rolled up the oil and carried it inside.

At minus 60°, steels fracture unexpectedly, plastics shatter, arctic diesel fuel becomes so thick that it will not move out of the tank into the fuel lines.

The U.S. Army requires the capability to operate effectively under the summer and winter conditions which are encountered in Alaska and which are typical of a great part of the world. A German general (Liddell Hart, "The German Generals Speak") stated that one of the startling reasons why Germany lost the war with Russia was that, "They based their (summertime) mobility across Russia on wheels instead of full tracks. * * * Panzer forces with tracked transport might have overrun Russia before autumn, despite the bad roads." The DA historical report on German operations in Russia describes the winter failure of German equipment in minus 30° cold before Moscow:

"Paralyzed by cold, the German troops could not aim their rifle fire and bolt mechanisms jammed or strikers shattered in the winter weather. Machine guns became encrusted with ice, recoil liquid froze in guns, ammunition supply failed.

"Mortar shells detonated in deep snow with a hollow, harmless thud and mines were no longer reliable. Those German tanks still available could not move through the snow because of their narrow tracks. * * * Leadership and bravery could not compensate for the lowered firepower of the German divisions."

Mobility: To provide the mobility and combat effectiveness in undeveloped regions at all seasons which the German Army so notably lacked in its Russian campaign, Army operations in Alaska today exploit foot movement, cross-country vehicles, and air mobility.

Army development programs are improving all three classes of movement capabilities. Recent advances in tracked transport, which gives cross-country forces a radical increase in self-sustaining capability and the prospect of freedom from roadbuilding, are particularly important to the Army as a whole.

During the past year, USARAL has acquired 40 industrial 5½-ton cross-country transporters which are equally effective over snow and in swamp. These vehicles have a 1-to-1 payload to net vehicle weight ratio, and are simple, dependable, reliable, inexpensive, and economical to operate.

USARAL has also found the 1,000-gallon rolling liquid transporter—still under development—an invaluable resource in operations in primitive northern areas. This rolling pipeline will be equally valuable in other parts of the world.

Air operations: Cross-country mobility must be supplemented by air operations. Helicopters are workhorses of the northern battlefield; they give commanders the ability to move forces of significant size rapidly over long distances; they provide prompt command communications; they support detached units and, when used with imagination, pay for themselves many times over in speeding up combat reaction and reducing the effort diverted from the combat mission to support tasks.

Only fixed wing air can maintain surveillance over the vast areas which the average battle group task force must protect in the north. In Exercise Great Bear, held during February in a 3,200-square-mile wilderness north of the Alaska Range, the Mohawk demonstrated its capability to meet the urgent northern reconnaissance requirement.

Many other items were evaluated in Exercise Great Bear with the object of increasing mobility for the individual soldier as well as for the organized force.

A fountain pen sized signal flare, which USARAL purchased from commercial sources, was employed successfully by Special Forces personnel and is being recommended for general field use. The concept of a dome-shaped tent, which is lightweight and which can be erected or struck in a minute or so, was demonstrated to be feasible and will now be considered for development into an Army standard tent.

These and some 40 other items, ranging from paper hospital linens to a 20-ton cross-country vehicle, have been examined in recent months by USARAL in the light of overall Army requirements and of specific northern needs for more effective mobility and increased combat power for small forces.

The future: For the future we are looking for lighter, more mobile firepower—armed helicopters in the near future and helicopter-portable automatic howitzers for the long-range period.

And we are investigating every possible source to find a simple, dependable, tracked vehicle which can be transported by light helicopter; this vehicle is needed to transport crew-served weapons, ammunition, fuel, rations and, when necessary, survival gear, for the infantry squad in cross-country operations. The squad support vehicle is now the most critical unsatisfied requirement for undeveloped area operations.

Alaska provides a complete range of environments of the kinds in which future wars must be fought. Realistic research, training, and testing areas of practically unlimited size are available.

Many agencies are now conducting aggressive development programs in Alaska. Here, active Army forces are currently executing tactical missions. No other area available to the United States affords a comparable grouping of the means for defining and solving the problems of future war.

The many mutually supporting activities which are bringing the concept of fast-moving, hard-hitting combat forces into reality in Alaska today are laying the groundwork for greater mobility and combat effectiveness for the entire Army tomorrow.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE GENERAL LAND OFFICE

Mr. HAYDEN. Mr. President, I direct my remarks to an important anniversary in the history of the United States, the 150th anniversary of the General Land Office and its successor, the Bureau of Land Management.

A century and a half ago, April 25, 1812, the Congress created the General Land Office to act as the guardian for our great national heritage—the public lands. The lands that have played such a significant role in the development of America.

Every State in the Union has shared in the disposition of more than 1.3 billion acres of federally owned land. The Federal Government has transferred title of 328 million acres to the States. Individuals have received in excess of 360 million acres. Private railroad corporations were granted over 91 million acres.

The public lands served as an incentive to settlement; 1.6 million Americans were able to claim 270 million acres of free land under the provisions of the Homestead Act of May 20, 1862. As property owners they were, of course, interested in the maintenance of a stable Government. This year we are celebrating the centennial of this uniquely American piece of legislation. The Homestead Act attracted 20,000 individuals to Arizona who settled and improved 4.1 million acres.

Arizona, as did every State, received a sizable grant of public land to create an agriculture and mechanic arts college as provided for in the act of July 2, 1862. The University of Arizona received a 150,000 acre perpetual endowment from the public lands. I attended the Territorial Normal School of Arizona which received 200,000 acres of public land. Arizona received over 8 million acres for the support of elementary and secondary schools, as provided for in the ordinance of 1785 and 1787. The school system has obtained a rich endowment from public lands.

The public lands of our Nation have been used as a reward to veterans for service to the country in times of national crisis. Veterans of the Revolutionary War, War of 1812, Indian and Mexican Wars received 61 million acres.

The public lands have assisted industry. Perhaps the finest internal transportation system in the world owes part of its existence to the granting of over 140 million acres of land for the construction of canals, roads, and railroads. Arizona benefited through grants of 7.6 million acres to the transcontinental railroad corporations.

Today the Bureau of Land Management is responsible for the management of 477 million of the remaining 770 million acres of public lands. These lands are being managed in a multiple use concept for recreation, wildlife, grazing, and resources.

Mr. President, I want to join with my colleagues in extending best wishes to the Secretary of the Interior, the Director of the Bureau of Land Management and the Bureau employees. They have a fine tradition of which they can be justly proud.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD tables and a statement relating to the remarks I have just made.

There being no objection, the tables and statement were ordered to be printed in the RECORD, as follows:

Acreage granted to the State of Arizona

FOR EDUCATIONAL AND VARIOUS CHARITABLE PURPOSES

Agriculture and Mechanic Arts College	150,000.00
Common (public) schools	8,093,156.00
Charitable and penal institutions	100,000.00
Deaf and mute, and blind schools	100,000.00
Mental hospital	100,000.00
Military institute	100,000.00
Miners hospital	100,000.00
Normal schools	200,000.00
Parks and other purposes	1,400,000.00
Penitentiaries	100,000.00
Public buildings	100,000.00
School of mines	150,000.00
University	249,196.71
Total	10,942,352.71

FOR RAILROAD PURPOSES

Railroad construction	1,048

Acreage granted to the State of Arizona—Con.

TO RAILROAD CORPORATIONS

Atchison, Topeka & Sante Fe (Santa Fe Pacific; Atlantic & Pacific)	7,685,202.63

FOR INTERNAL IMPROVEMENTS

Miscellaneous purposes	1,101,400

Homesteaders and total number of acres received in the State of Arizona

Homesteaders	20,268
Acres received (1862–1960)	4,134,356

THE FIRST HOMESTEAD APPLICATION ISSUED IN THE STATE OF ARIZONA

Prescott land office: Nathan Bowers, November 10, 1871, 160 acres.

THE FIRST FINAL HOMESTEAD CERTIFICATE ISSUED IN THE STATE OF ARIZONA

Florence land office: William W. Willy, September 21, 1876, 160 acres.

THE FIRST FINAL HOMESTEAD PATENT ISSUED IN THE STATE OF ARIZONA

Florence land office: William W. Willez (Willy), May 16, 1878.

The total amount of money allocated to the State of Arizona from the sale of public domain

1803–1960	$192,144
Mineral Leasing Act, 1920–60	1,125,266
Taylor Grazing Act (sec. 3), 1934–60	320,717
Taylor Grazing Act (sec. 15)	367,647
Reclamation fund, 1901–60	6,237,369
Total	8,243,143

Federally owned land in the State of Arizona

Total acreage of State	76,688,000
Federal acreage	32,395,612
Percent owned by Federal Government	44.6

This represents both original public domain land as well as that which has been acquired by purchase.

Total amount of land granted to the State of Arizona by the Federal Government

	Acres
To State	12,044,800.71
To private corporations	7,685,202.63
To individuals	4,134,356.00
Total	23,864,359.34

THE PUBLIC DOMAIN, 1812 TO 1962

Commemorating the 150th anniversary of establishment of the General Land Office and the founding of the first organized system of Federal land management April 25, 1812, the Bureau of Land Management of the Department of the Interior will observe this sesquicentennial of land management during 1962.

This year also marks the centennial of three important laws by Congress which exerted a major influence on the history and disposition of lands of the public domain:

The Homestead Act of May 20, 1862, provided free acreage for pioneer farmers and stockmen, and was instrumental in the settlement and development of many States during the early history of the Nation. This act and subsequent legislation allowed 1,622,050 settlers to claim over 270 million acres of the public lands for homesteads in 30 of the 50 States.

The Land-Grant College Act of July 2, 1862, provided over 11 million acres of the public domain for aid and support of colleges and universities for the teaching of agriculture and mechanic arts in each State. Other Federal aid to education included over 90 million acres of public lands, which were granted to the States for free public elementary schools and other educational and charitable institutions.

The Land-Grant Railroad Act of July 1, 1862, and subsequent legislation, granted more than 91 million acres of public lands

for the promotion of a transcontinental railroad between the Missouri River and the Pacific Ocean. States also received more than 37,130,000 acres for railroad construction within their respective borders.

Concerned with the care, conservation, and use of lands of the public domain, the General Land Office and its successor, the Bureau of Land Management, have been responsible for the administration of 1,807 million acres of public lands over the 150 years.

At various times in its history, the Federal Government has owned about 80 percent of the Nation's gross area. Of this total, more than 1,136 million acres of public lands have been transferred to States and other non-Federal organizations. More than 328 million acres have passed directly to State ownership.

Today, the Bureau of Land Management is responsible for the administration, conservation, and selective disposition of more than 477 million acres of public lands.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. STENNIS. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, for the third time in 5 years the Senate is being asked to do violence to the Constitution of the United States in the name of protecting the right to vote.

As in 1957 and 1960, it again is being contended that there exists an emergency with regard to voting in this country.

I submit, Mr. President, that the facts do not bear that out.

It was that argument in 1957 which resulted in the enactment of a law making the Attorney General of the United States the tax-paid lawyer of any citizen who felt his right to vote had been or might be violated. It was that claim in 1960 which resulted in the enactment of a law authorizing Federal courts to put State and local election machinery in the receivership of Federal voting referees.

In addition, the 1957 law established a Civil Rights Division within the Department of Justice to prosecute cases of interference with the right to vote and created a Commission on Civil Rights to investigate complaints of deprivation of the right to vote.

Our experience with those agencies and laws completely refutes the contention that a law must now be passed to abrogate the constitutional authority of the States to fix the qualifications of voters.

In the course of 5 years, the Civil Rights Division has found only 25 cases to prosecute and not 1 in which Federal voting referees could be brought into action. During the same period the Commission on Civil Rights—even by advertising for them—has been able to gather only 613 voting complaints, of which only 390 fall into the category of "sworn voting complaints."

I ask unanimous consent, Mr. President, to have printed at this juncture in my remarks the list of prosecutions initiated by the Civil Rights Division under the Civil Rights Acts of 1957 and 1960 as of last March 15 and the State-by-State tabulation of voting complaints received by the Commission on Civil Rights as of the same date.

There being no objection, the list and tabulation were ordered to be printed in the RECORD, as follows:

Cases brought under Civil Rights Act of 1957 and, in certain instances, under Civil Rights Act of 1960

No.	State	County (parish)	Date filed	Title (*U.S.* v. —)
1	Georgia	Terrell	Sept. 4, 1958	*Raines.*
2	Alabama	Macon	Feb. 5, 1959	*Alabama.*
3	Louisiana	Washington	June 29, 1959	*McElveen (Thomas).*
4	Tennessee	Fayette	Nov. 16, 1959	*Fayette County Democratic Executive Committee.*
5	Louisiana	Bienville	June 7, 1960	*Association of Citizens Councils of Louisiana.*
6	Tennessee	Haywood	Sept. 13, 1960	*Beaty.*
7	do	do	Dec. 1, 1960	*Barcroft.*
8	do	Fayette	Dec. 14, 1960	*Atkeison.*
9	Louisiana	East Carroll	Jan. 19, 1961	*Deal.*
10	Alabama	Bullock	Jan. 20, 1961	*Alabama.*
11	do	Dallas	Apr. 13, 1961	*Majors.*
12	Louisiana	East Carroll	Apr. 28, 1961	*Manning.*
13	Mississippi	Clarke	July 6, 1961	*Ramsey.*
14	do	Forrest	do	*Lynd.*
15	Louisiana	Ouachita	July 11, 1961	*Lucky.*
16	Alabama	Montgomery	Aug. 3, 1961	*Penton.*
17	Mississippi	Jefferson Davis	do	*Daniel.*
18	do	Walthall	do	*Mississippi.*
19	do	do	Sept. 20, 1961	*Wood.*
20	Louisiana	Plaquemines	Oct. 16, 1961	*Fox.*
21	Mississippi	Panola	do	*Duke.*
22	Louisiana	Madison	Oct. 26, 1961	*Ward.*
23	Mississippi	Tallahatchie	Nov. 17, 1961	*Dogan.*
24	Louisiana	(Statewide; attack on Constitution interpretation test.)	Dec. 28, 1961	*Louisiana.*
25	do	Jackson	Feb. 21, 1962	*Wilder.*

Voting complaints filed pursuant to Public Law 85–315; sec. 104 (a) (1), listed by State and category

State	Sworn [1]	Unsworn [2]	General irregularities [3]	Total
Alabama	165	8	7	180
Alaska	0	0	0	0
Arizona	0	0	0	0
Arkansas	0	0	5	5
California	0	14	40	54
Colorado	0	0	0	0
Connecticut	0	0	0	0
Delaware	0	0	0	0
Florida	9	2	7	18
Georgia	0	2	1	3
Hawaii	0	0	0	0
Idaho	0	0	0	0
Illinois	0	0	2	2
Indiana	0	0	1	1
Iowa	0	0	0	0
Kansas	0	0	1	1
Kentucky	0	1	1	2
Louisiana	114	45	37	196
Maine	0	0	0	0
Maryland	0	0	0	0
Massachusetts	0	0	1	1
Michigan	0	0	1	1
Minnesota	0	0	0	0
Mississippi	5	34	3	88
Missouri	0	0	0	0
Montana	0	0	0	0
Nebraska	0	0	1	1
Nevada	0	0	0	0
New Hampshire	0	0	0	0
New Jersey	0	1	1	2
New Mexico	0	0	0	0
New York	3	0	2	5
North Carolina	40	0	0	40
North Dakota	0	0	0	0
Ohio	0	0	0	0
Oklahoma	1	0	3	4
Oregon	0	0	0	0
Pennsylvania	0	0	2	2
Rhode Island	0	0	0	0
South Carolina	0	0	3	3
South Dakota	0	0	0	0
Tennessee	7	1	8	16
Texas	0	0	1	1
Utah	0	0	0	0
Vermont	0	0	0	0
Virginia	0	0	3	3
Washington	0	0	0	0
West Virginia	0	0	1	1
Wisconsin	0	0	1	1
Wyoming	0	0	0	0
District of Columbia	0	0	0	0
Puerto Rico	0	0	0	0
Total by category	390	108	133	631
Grand total of all voting complaints received				631

[1] Sworn voting complaints are those in writing and under oath or affirmation alleging unlawful denial of the right to vote and have that vote counted.

[2] Unsworn voting complaints are those in writing but not under oath or affirmation alleging unlawful denial of the right to vote and have that vote counted.

[3] General voting irregularities complaints are either sworn or unsworn complaints alleging that unlawful restraint or hardship was placed upon the complainant, or that the complainant was subjected to some unlawful discrimination in the exercise of his suffrage rights.

Mr. TALMADGE. I ask you, Mr. President, can 25 court cases and 631 complaints within a nation of more than 185 million persons by any stretch of the imagination be said to constitute an emergency demanding that Congress override the Constitution of the United States?

If anything, Mr. President, the statistics prove that not only is the proposed

legislation unjustified, but also that that previously enacted was unwarranted.

Even more to the point, Mr. President, are the voter registration figures for my State of Georgia.

A compilation made recently by the Atlanta Journal, using mostly 1958 figures, showed 165,535 Negroes registered to vote in Georgia. The article admitted that its arithmetic was not exact because, to quote from it, "the practice of reporting voter statistics by race is fading away in Georgia." Informed estimates place the current Negro voting total for Georgia at approximately 185,000 to 200,000.

And those registrations—contrary to what some would have the Senate believe—are not limited to metropolitan areas. In fact, Mr. President, all of the 15 Georgia counties in which Negro registration amounts to 25 percent or more of the total number of voters are small rural counties. In one of them—the coastal county of Liberty—the Journal's tabulation showed 14 more colored persons registered than white. Three other rural counties—McIntosh, Hancock, and Taliaferro—all have colored registrations of more than 45 percent.

Again using the Atlanta Journal's figures, in 75 of Georgia's 159 counties the number of Negro voters represents 10 percent or more of the total electors. And of the six Georgia counties in which no Negroes are registered, four of them in north Georgia, where few, if any, colored people reside.

Representative headlines from recent editions of Georgia newspapers give an even better picture of the extent of Negro participation in Georgia elections. Here are a few:

From the Macon Telegraph: "Negroes Continue to Register in Large Numbers."

From the Atlanta Constitution: "Savannah Negroes Form Political Party."

From the Waycross Journal-Herald: "Six Negroes Enter Races."

From the Atlanta Journal: "Negro Files for Clerk in Chatham Court."

From the Columbus Enquirer: "Negro Defeated by 75 Votes in Marietta Race."

From the Savannah Morning News: "NAACP Official Qualifies in Liberty County Election."

From the Tifton Gazette: "Negroes Form Half of Atlanta Vote Turnout."

From the Atlanta Journal: "Big Vote Looms in Negro Areas."

From the Atlanta Constitution: "Negro Voters Gain a Third in Fulton."

From the Albany Herald: "More Negroes Than Whites Register Here."

Two examples which are typical of the voting situation in Georgia have come to my attention. In Whitfield County in extreme northwest Georgia, 58 percent of the entire Negro population is registered to vote while only 45½ percent of the total white population is so qualified. In rural Dodge County in south central Georgia, a total registration of 12,075 breaks down into 9,713 whites and 2,362 Negroes.

In the recent city election in Atlanta 75.7 percent of a total Negro registration of 41,469 voted and gave Mayor Ivan Allen, Jr., his margin of victory. Statistics compiled by Dr. C. A. Bacote, a history professor at Atlanta University and a recognized authority on the Negro vote, showed that Mr. Allen received 31,224 Negro and 33,089 white votes for a victory total of 64,313. His opponent received 176 Negro and 35,919 white votes for a total of 36,095.

It is also in Atlanta that a majority of white voters recently reelected a Negro educator, Dr. Rufus C. Clement, to the city board of education.

In Augusta, Ga., a Negro newspaper, the Weekly Review, recently featured an editorial entitled "Negroes of This County Have No Excuse for Not Voting." The presentation criticized Negroes for allowing their voting registrations to expire and, in urging them to qualify to vote, declared that "you will not be faced with any unscrupulous questions or any form of embarrassments."

Two years ago when the Senate was debating this same issue, I had the privilege of appearing on a national television program to answer the questions of a panel of newsmen. During the course of that program, I quoted from an article which appeared in the Cleveland, Ohio, Plain Dealer stating that "only 26 percent of Negroes over 21 are registered to vote and only 26 percent of those registered actually vote."

That presentation brought me a letter from a former Negro citizen of Georgia now residing in Cleveland. It is eloquent testimony to the fact that colored people have no problem voting in Georgia. Omitting names to avoid any embarrassment, I wish to read it to the Senate:

DEAR SENATOR TALMADGE: You made a wonderful speech.

I am born and bred in Newnan, Ga. My uncle (deceased) voted in Georgia, sat on the jury and was always given the true rights as a citizen of Georgia. We didn't have racial problems at all in Georgia. I am proud to be a native of Georgia.

You certainly spoke the truth. Each voting year here in Cleveland, Ohio, it's published about how many people fail to register and vote.

Maybe they don't know how, but we should learn how to vote. Yes, I am colored and try to follow my training from Georgia.

We have good schools in Georgia. My dad and my husband enjoyed your answers and your entire speech. More power to you, sir.

Respectfully yours.

Last year the Georgia Advisory Committee to the Commission on Civil Rights conducted a survey. One hundred and two questionnaires were sent to Negro political leaders throughout the State. A tabulation of the 81 replies is most revealing. I read from the questions and responses as follows:

	Yes	No
1. In your county do colored and white register at the same place?	70	4
2. Do they register at the same time?	65	3
3. Do they use the same type and color registration form?	60	6
4. Are they given the same tests?	66	5
5. In your opinion are these tests conducted fairly and acted upon fairly?	65	3
6. In your opinion, in your county is pressure of any kind used to discourage the qualified Negro from registering or voting?	3	75

Mr. President, despite the fact that the Georgia committee sought in its report to discredit the responses to its own survey, the statistics speak for themselves. The Dublin Courier-Herald in an editorial last October aptly summed it up thusly:

We can only conclude that the answers didn't go according to the job that was given them to do by the Civil Rights Commission. * * * What better evidence do we need that the Civil Rights Commission is interested only in stirring up trouble, establishing a level of government not on the level of leaders of either or both races, but on the level of troublemakers, and * * * that the evidence proves their preconceived opinion to be baseless and false?

Mr. President, no less a personage than Dr. John A. Hannah, Chairman of the Commission on Civil Rights, has attested officially to the good voting situation in the State of Georgia. On April 30, 1959, Dr. Hannah appeared before the Subcommittee on the Departments of State and Justice, the Judiciary and Related Agencies of the Appropriations Committee of the House of Representatives. He was questioned by the late Honorable Prince Preston, Representative in Congress from the First District of Georgia, as follows:

Mr. PRESTON. Have you found generally in the State of Georgia that the Negro population has no problem about registering and voting?

Mr. HANNAH. Well, from personal investigation, certainly in Atlanta and in many other areas that were brought into our discussions there, that is true. I think there were some indications that perhaps there were some of the isolated rural areas where that might not be true, but I have no firsthand knowledge of that. It is my general impression the voting situation in Georgia is pretty good and getting much better.

Mr. PRESTON. In my own district there are one or two counties who have more Negro registered voters than white.

Mr. HANNAH. The Congressman recognizes that there are many counties in the South with large populations of Negroes where there is not even one registered.

Mr. PRESTON. You would not find that to be true in Georgia.

Mr. HANNAH. That is correct.

Mr. PRESTON. Georgia is one of the most progressive States in the Union and one of the most liberal States in the Union.

Mr. HANNAH. I believe that is right.

Mr. President, I have offered my evidence in great detail because I wished to prove to the Senate beyond the shadow of any doubt that there exists no general problem with regard to voting by Negro citizens in the State of Georgia. While anyone can find isolated instances of abuse anywhere, I challenge anyone to show me a single instance in which any qualified Georgian, white or colored, desiring to vote has not been promptly and fully protected in the enjoyment of that right by our State and Federal courts.

The right to vote is one cherished by all the people of Georgia. I know of no Georgian who objects to its exercise by all qualified citizens. Neither do I know any Georgian who does not feel that any denial of or interference with the full exercise of the right to vote should be corrected and those determined to be guilty punished.

Certainly, Mr. President, the State of Georgia cannot be cited as a reason for the enactment of legislation such as that presently under consideration.

Let me make it clear, Mr. President, that I object to the proposed measure on the grounds of the violence it does to the fundamental constitutional doctrine that voter qualifications shall be determined by the individual States. The question of whether a sixth-grade education is to be a minimum literacy requirement is moot in the State of Georgia because, under the Georgia constitution and law, any citizen of good character who understands the duties and obligations of citizenship under a republican form of government can qualify to vote. It is not necessary that he be literate.

This is what the constitution of Georgia provides on the subject of qualifications of electors:

> Every citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of section II of article II of this constitution, and who possesses the qualifications prescribed in paragraphs II and III of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the two following subdivisions of this paragraph.
>
> 1. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,
>
> 2. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars.

Mr. President, the procedure under which persons may qualify on the basis of good character rather than literacy is set forth in the Georgia Voters' Registration Act. It lists 30 general and specific questions about National and State government and provides that any applicant answering any 20 of them shall be registered to vote.

So, Mr. President, it is obvious that the proposition now under consideration would, as a practical matter, have little effect in Georgia as Georgia requirements for voting are far more liberal than would be the proposed Federal standard of a sixth-grade education.

But that fact, Mr. President, is beside the point, because the Constitution of the United States makes it clear that only the States, and not Congress, can prescribe qualifications for voters.

Mr. President, when the Congress of the United States proceeds to legislate in the field of voting, it must walk a narrow constitutional line.

The Constitution very clearly delineates between the responsibilities of the Federal and State Governments in this field and there is an impressive and unbroken body of legal precedent sustaining that delineation.

Simply stated, the dividing lines between Federal and State responsibility for voting are these:

In all elections except those for President, Vice President, and Members of Congress, the State is sovereign within the limitations of the 15th and 19th amendments both as to voter qualifications and as to the times, places, and manner of holding the elections.

In all elections for Members of Congress, the State is sovereign within the limitations of paragraph 1, section 2, article 1, and the 15th and 19th amendments as to qualifications and the Congress of the United States is sovereign as to the times, places, and manner of holding the elections.

In all elections for President and Vice President, the State is sovereign as to the manner of selection and the places of meeting of the electors and the Congress of the United States is sovereign as to the times of their selection and meeting.

The controlling provisions of the Constitution in this regard are these:

Paragraph 1, section 2, article 1:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Paragraph 1, section 4, article 1:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Paragraph 2, section 1, article 2:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Paragraph 3, section 1, article 2:

> The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

Article 15:

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Article 19:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Mr. President, those are verbatim quotations from the Constitution of the United States. They are all-inclusive and constitute the sole authority upon which Congress can predicate any legislative act on the subject.

Mr. President, it should be clear beyond all misunderstanding to all who understand the English language that those provisions mean that the States have exclusive power to fix voter qualifications within certain limitations and the Federal Government can police those qualifications only to the extent of those limitations.

And those limitations are that voter qualifications prescribed by a State cannot deny or abridge the right of anyone to vote on account of race, color, previous condition of servitude or sex or differentiate in any way between those who vote for members of the most numerous branch of the State legislature and those who vote for Members of the U.S. House of Representatives.

Outside of those specified limitations, Mr. President, the Federal Government has the last word only with respect to when, where, and how elections for Members of Congress are held and when presidential electors are selected and meet to cast their votes.

To those who would contend otherwise, the unanswerable answer is that the only two instances in which restrictions have been placed upon the discretion of the States to fix voter qualifications have in both cases had to be accomplished through the amendatory process.

Congress has no more power under the Constitution to legislate in the field of voter qualifications outside the authority to implement existing amendments and to submit proposed new amendments for ratification or rejection by the States than it does to change the boiling point of water from 212° to 150° F.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my friend from Mississippi.

Mr. STENNIS. I not only agree with the Senator's interpretation of the Constitution and the provisions which are so clearly stated and written into the Constitution, but I wish to ask him a question which takes another approach to this subject. Under the law, does the State of Georgia have any authority to enact a provision which provides that the qualifications for electors in voting for Members of the House of Representatives of Congress shall be A, B, C, or so-and-so?

Mr. TALMADGE. It does not.

Mr. STENNIS. The State has no such authority. Is that correct?

Mr. TALMADGE. It has authority only to designate the qualifications for electors of the State legislature. Once designated these qualifications also become the qualifications of electors of Senators and Congressmen.

Mr. STENNIS. The Senator has brought out in his answer the exact situation, namely, that the State of Georgia does not start out to enact qualifications for electors for Members of Congress.

Mr. TALMADGE. Yes. That is the yardstick which the Constitution establishes for the qualification of electors who vote for Members of the House of Representatives and Senators.

Mr. STENNIS. Is it not true that every State in its domain, through its legislature, sets out to fix the qualifications for electors electing members of the most numerous branch of the State legislature, and that that is their authority on that point, and that is as far as it goes, or can go?

Mr. TALMADGE. The Senator is entirely correct. That is the sole authority and it is stated in two separate sections of the Constitution—section 2 of article I, and the 17th amendment.

Mr. STENNIS. Is it not true that, naturally, within the 50 States, the different State legislatures could prescribe different qualifications for the voters of the most numerous branch of the State legislature?

Mr. TALMADGE. That is entirely correct. The age standard, for example, varies from 18 years in my State and in the State of Kentucky to 19 years in the State of Alaska and 21 years in the other 47 States. There are 19 States which have some literacy qualifications and those standards vary according to the best judgment of the respective State legislatures.

Mr. STENNIS. It is a discretionary matter with them. However much variance there is, the Constitution of the United States provides that those qualifications are adopted for Federal purposes for electing Senators and Members of the House of Representatives. Is that correct?

Mr. TALMADGE. The Senator is entirely correct. It says that the Federal standard shall be the same as those determined by the individual State legislatures. There can be 50 different standards and the Constitution specifically adopts all of them.

Mr. STENNIS. That is not by reason of a law Congress passed and that a President signed; that is by reason of the Constitution of the United States. Is that correct?

Mr. TALMADGE. Yes. As the Senator so well knows, the Constitution can be amended only in two different ways and enactment by Congress is not one of them.

Mr. STENNIS. In the face of that basic fact of life, this bill comes along and says that we will brush all of that aside and will enact a law and thereby change the Constitution. Is that correct?

Mr. TALMADGE. The Senator has stated it correctly.

Mr. STENNIS. I thank the Senator.

Mr. TALMADGE. I thank the Senator for his contribution. I would point out that the Civil Rights Commission, which is a partisan, biased group, created to perform a specific job, in its report of 1959 recommended a constitutional amendment in this field, not a statute. Even that group recognized that the Constitution cannot be amended by statute.

Mr. STENNIS. I thank the Senator for giving that illustration and for yielding to me. I agree with every one of his answers. He is making a great speech.

Mr. TALMADGE. I thank the able Senator from Mississippi. I now yield to the Senator from Alabama. Then I will yield to the Senator from Arkansas.

Mr. HILL. The Senator is making a very able speech, and I hesitate to interrupt him. However, is it not true that when the members of the Constitutional Convention met in Philadelphia in 1787, the States at that time had various qualifications for voters?

Mr. TALMADGE. That is indeed true. As the able Senator from Alabama knows, that particular issue almost disrupted the Constitutional Convention. It was finally resolved by the Committee on Detail which recommended the language that is now embodied in section 2 of article I, and the 17th amendment.

Mr. HILL. Is it not true that if the committee had not submitted what is now, as the Senator says, article I, section 2, of the Constitution, the Constitutional Convention would never have adopted any other means or fixed any qualification other than the one adopted, which was to leave this fixing entirely in the hands of the States?

Mr. TALMADGE. The Senator is absolutely right. Later in my speech I deal with that point in some detail, and quote from some of the framers of the Constitution with reference to their actions with regard to this subject.

Mr. HILL. Is it not true that this very question was most jealously inquired into in the different State conventions which met to ratify the Constitution?

Mr. TALMADGE. Yes; it was.

Mr. HILL. The delegates at the State conventions had to be assured time and again that the fixing of the qualifications of voters would be left in the Federal Constitution entirely in the hands of the States. Is that correct?

Mr. TALMADGE. The Senator is entirely correct.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I now yield to the Senator from Arkansas.

Mr. McCLELLAN. I wish to join my colleagues in complimenting the distinguished Senator from Georgia for the unanswerable and convincing address he is making.

I am intrigued with the idea of the sponsors of the pending measure. Notwithstanding the fact that the power of the Federal Government is a limited power, and the States obviously, by the Federal Constitution, reserved unto themselves the right to determine the qualifications of voters in their respective States, they delegated no further power to the Federal Government other than to designate that qualified electors for Senators and Representatives shall be those which are identical with the qualified electors fixed by the State. Is that correct?

Mr. TALMADGE. That is indeed correct, and it is made just as plain as the English language can make it both in section 2 of article I, and also in the 17th amendment. Additionally, that principle was unpheld by the present Supreme Court as late as 1959.

Mr. McCLELLAN. I do not see how any court could hold otherwise.

Mr. TALMADGE. To my knowledge, no court anywhere, State or Federal, has ever attempted to invalidate those specific provisions of the Constitution.

Mr. McCLELLAN. I simply wish to point out that if a court could possibly sustain as valid the changing of the Constitution by statute, then if Congress could fix the educational qualification at the sixth grade, could it not also fix it at the first grade?

Mr. TALMADGE. Certainly it could.

Mr. McCLELLAN. If it could fix it at the first grade, could it not also fix it at any other grade?

Mr. TALMADGE. Yes, indeed, and by the same token, it could say that suckling babes were entitled to vote.

Mr. McCLELLAN. Could it not also by the same standard—and I point this out as the danger in what is here intended—if this procedure could be sustained as a valid exercise of congressional power under the Constitution today, require an absolute, uniform qualification in every State of the Union?

Mr. TALMADGE. It most certainly could. In fact, the pending proposal can be regarded as the first step toward an absolutely uniform literacy standard.

Mr. McCLELLAN. It deals now with only one qualification.

Mr. TALMADGE. That is correct.

Mr. McCLELLAN. The question really is: If Congress can, by statute, constitutionally and validly deal with one qualification and prescribe it for all the States, could it not by the same authority—and it would be a usurped authority—prescribe every qualification in every State by statute?

Mr. TALMADGE. Of course it could; and if the Supreme Court were to uphold it, there would be precedent for Congress to pass an act providing that criminals, dope addicts, insane persons, or children could vote. There would be no limit whatsoever if the Constitution of the United States were repealed in this instance. The door would be broken down, and Congress could pass any legislation through that gateway any majority might see fit to do so.

Mr. McCLELLAN. I thank the distinguished Senator from Georgia. I thought we should have this proposal in its proper perspective in the beginning. It is not primarily an issue whether the sixth grade is the proper standard to apply. The fixing of that standard is left at present to the discretion of the States. The States might fix the standard at the 5th grade or the 1st grade or the 12th grade. The issue is, Does Congress have the power, or will it usurp the power, and would the Supreme Court sustain such a usurped power, to invade the province of the States, as that is defined by the Constitution at present, and thus prescribe ultimately uniform voting qualifications in all States?

Mr. TALMADGE. The able Senator from Arkansas is entirely correct. I thank him for his valuable contribution to the discussion.

As an illustration of the fact that Congress has no power to prescribe the qualifications of voters, the only way in which Congress has ever entered that field has been in the vehicle of constitutional amendments.

When the 15th amendment was under consideration in Reconstruction days, even the followers of Thaddeus Stevens did not try to accomplish their objective by statute. They favored a constitutional amendment.

When the election of Senators by popular vote was proposed, and when women were granted suffrage, both were accomplished by constitutional amendments.

Just this year, when the distinguished senior Senator from Florida [Mr. HOLLAND] sought to have Congress eliminate the poll tax, he did not propose to proceed by statute. He offered a constitutional amendment, which was the only correct procedure, and the Senate followed precedent by adopting it.

That is the correct way to amend the Constitution of the United States.

Mr. McCLELLAN. Mr. President, will the Senator from Georgia further yield?

Mr. TALMADGE. I yield.

Mr. McCLELLAN. Does the Senator have an idea why the sponsors of this proposal will not follow the constitutional amendment process now?

Mr. TALMADGE. I certainly do, and I shall deal with it at some length in my statement when I quote from an article by Earl Mazo, published in the New York Herald Tribune. Mr. Mazo points out how the bloc vote manipulates elections in our country and his conclusions illuminate the motives of those who are now proposing to do violence to the Constitution through the pending proposal.

Mr. McCLELLAN. I thank the Senator. I, too, have some ideas about why this proposal has been made. I do not think the proponents could accomplish by a constitutional amendment what they seek to do, and I think they know it. I do not believe three-fourths of the States would ever ratify such an amendment. I do not believe the States would surrender that much power.

Mr. TALMADGE. I would hope the Senator's belief to be correct.

The question of how voter qualifications would be determined was an issue of major contention at the Constitutional Convention of 1787.

James Madison suggested that a definite statement of qualifications be written into the new Constitution and Gouverneur Morris, of Pennsylvania, advocated a uniform rule to limit the franchise to landowners. Thomas Jefferson favored an alternative arrangement whereby voters could be qualified either by property ownership or the payment of taxes.

On the other hand, Oliver Ellsworth of Connecticut maintained that suffrage was a tender point and tampering with it well might jeopardize approval of the new National Government. James Wilson, of Pennsylvania, emphasized that it would be virtually impossible to establish a uniform rule of voting which would be acceptable to all States and that controversy would be the result of situations in which electors of members of State legislatures and the Congress of the United States were not the same.

George Mason, who later was to be the author of our cherished Bill of Rights, declared that the "power to alter the qualifications would be a dangerous power in the hands of the legislature."

The outcome was that the Committee on Detail on August 6, 1787, by a vote of 7 to 1 recommended that "the qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures"—language which was brought forward in paragraph 1, section 2, article I of the Constitution, to which I earlier referred.

The authors of "The Federalist Papers," in seeking to explain the provisions of the new Constitution, dealt at length with this facet of the document.

In Federalist 52, written by either Madison or Hamilton, it was declared:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is comfortable to the standard already established, or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution.

Then, in Federalist 59, Hamilton wrote:

> It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been always applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislature, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have submitted the regulation of elections for the Federal Government, in the first instances, to the local administration; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.
>
> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarranted transportation of power and as a premeditated engine for the destruction of State government? The violation of principle, in this case, would have required no comment; and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, so far as possible, ought to depend on itself for its own preservation.

Hamilton followed this up in Federalist 60 with this assertion about the role of the National Government in elections:

> Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

Those, Mr. President, are the words of Alexander Hamilton, one of the most ardent and articulate advocates of a strong central government in the early history of our country. He claimed no more for the Federal Government than the authority "to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety" and even that interposition, he emphasized, was "expressly restricted to the regulation of the times, the places, the manner of elections."

To dispel any lingering doubt which might exist as to the clear intention of the framers of our Constitution in this regard, let us look at the words of various delegates to the Convention in explaining this phase of the Constitution before the ratifying conventions of their respective States.

Rufus King declared before the Massachusetts convention that:

> The power of control given by this section extends to the manner of elections, not the qualifications of electors.

James Wilson asserted at the Pennsylvania convention that:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

Wilson Nicholas told the Virginia convention that:

> In this plan there is a fixed rule for determining the qualifications of electors, and that rule the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed. A qualification that gives a right to elect representatives for the State legislatures gives also, by this Constitution, a right to choose Representatives for the General Government.

John Steele maintained before the North Carolina convention that:

> Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote. The

Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

Mr. President, I submit that there is no historical fact more clearly documented than that the original States of this Union definitely understood that each State would have the guaranteed authority under the Constitution to fix the qualifications of the electors of the most numerous branch of its legislature and that those electors would be the same electors who name the Members of Congress.

Mr. RUSSELL. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am happy to yield to my distinguished colleague.

Mr. RUSSELL. First, I wish to compliment my colleague upon the very excellent address he is delivering. To any man who has an open mind, this address would conclusively demonstrate that the Constitution of the United States cannot be amended by statute. The Senator goes not only into the lawful method of amending the Constitution, but back to the history of those who wrote that document and signed it, and their explanation of it to their people when they returned home, to establish that fact.

Of course, I fear that some Members of the Senate do not have an open mind insofar as issues of this character are concerned, and that they say, "Well, if it is a little invasion of the Constitution, it is all right in this case."

I read some of the presentations made before the subcommittee presided over by the distinguished Senator from North Carolina. I was amazed to note that witnesses who occupy eminent positions testified that unless these were the facts involved, the law would be unconstitutional. Even the Attorney General stated that such a law was necessary in order to enable him to see that all people had a right to vote.

I have never seen a clearer demonstration of the argument that the ends justify the means than is being made in the presentation of this case. I can but ask the question, What has happened to all of those on the other side of the aisle who were so outraged when the late President Roosevelt said, "Let us pass this act and let us have the courts determine its constitutionality"?

In that case they all stood up and said, "It is the duty of each and every Senator, under his oath of office, to determine the constitutionality of an act."

I am sure the Senator has been impressed by the fact that even the Chairman of the Civil Rights Commission asserts there are only 100 counties that were involved in any alleged acts of coercion or refusal, to remedy which he presented this proposed legislation. He did not point out that the Attorney General of the United States had not utilized the weapons at his command, weapons which he already has, when he came before the Congress in 1960 urging passage of a bill, which was of doubtful constitutionality, to say the least, to appoint as many registrars in those counties as the Attorney General saw fit, and that the people in charge of the registration had not had any right to be heard. So, at the utmost, the Attorney General would be compelled to bring 100 cases with the 2,000 lawyers he has under his direct supervision, to correct the complaints that he has, without asking the Senate of the United States to make this invasion of the Constitution.

I wish to suggest to my distinguished colleague that there must be at least 100 counties in this country in which there are gangsters, racketeers, or violators of income tax laws who have sought refuge in the fifth amendment when under prosecution. I ask my colleague if there would be any difference whatever, from a legal standpoint, if the Attorney General were to come to the Congress and say, "It is a great deal of trouble to get evidence against these racketeers, gangsters, and income tax evaders, so I ask the Senate to pass a bill which will provide, when such persons are charged with these offenses, that they cannot refuse to answer any question which might be propounded to them by the prosecuting officer." Would that be any more violative of the Constitution of the United States, in the opinion of my colleague, who is an eminent lawyer, than the proposal before the Senate at the present time?

Mr. TALMADGE. The two situations are entirely analogous. I am sure my colleague is aware of the Attorney General's testimony before both the House and the Senate committees. He acknowledged that there are laws on this subject which he could enforce, but he maintained that such a course would be difficult and would involve some work. The Attorney General wants the Congress to pass laws, making the courts unnecessary, which he can enforce within any State.

As my colleague well knows, there are many laws on the statute books of the United States guaranteeing the right to vote—6 criminal and 9 civil, making a total of 15 laws guaranteeing the right to vote.

Since I have been a Member of the Senate, Congress has passed legislation to make the Attorney General of the United States the free, tax-paid lawyer for any aggrieved citizen and to authorize the voter referee process by which local registrars may be put into Federal receivership.

I point out to my colleague that the Civil Rights Commission, even after advertising for complaints and sending agents throughout the United States seeking complainants, has obtained only 390 sworn complaints. The Justice Department's Civil Rights Division has made only 25 cases and not one referee has been appointed to take over the duties of any registrar anywhere in the United States.

As the Senator knows, this whole contrived issue is purely political and is an effort to manipulate bloc votes in the large cities.

Mr. RUSSELL. I thank my colleague for making that statement. What he says exists is what I resent. I resent it now. I have always resented it. I shall always resent it.

The section of the country from whence I come, where the people are the peers of those of any other section, is singled out for this type of invidious comparison and proposed legislation for purely political purposes. The question is always brought forward in an election year.

I have been around Congress now for 30 years, and I know that in an election year one can always count on this kind of proposed legislation, because there are many people whose chief claim to the holding of public office is that they go back to their States and tell their constituents, "Look what I did to those infamous southerners. Look what I said about them. I pointed out all their evil ways. I denounced them on the floor of the Senate. I introduced a bill to put them under the lash of law."

It matters not how many laws are passed in this area. If this proposal should pass, another will be offered in 1964, which will deal with the same subject in a little different way.

Our energetic Attorney General, who shows so much energy in prosecuting all other types of cases, will be before the Congress to say, "There are 14 counties now in which we have found something wrong, and in these 14 counties I am having difficulty. I have only some 2,000 lawyers, whom the taxpayers are supporting, paying expenses for them to ramble back and forth across the country, and the so-called Civil Rights Commission has only a small staff of lawyers going around. The money for advertising to get the complaints in has been spent, but nevertheless there is trouble. I shall have to send an Assistant Attorney General down to those counties to bring in complaints."

Therefore, the Attorney General will come before the Congress and ask Congress to pass another law.

All these people, the election year advocates, attack with a sword the mote in the eye of the South. We are not perfect, but they disregard the beam of worse offenses in their own States. They will stand up to support the proposed legislation. Then each will go back home again and say, "You must reelect me. See, there is this balance-of-power vote, of 16 percent, and I should get every vote of it, because I denounced the white South more vigorously than did any of my colleagues in either body." And in most cases such a candidate will get the votes, and he will come back to Congress.

Mr. TALMADGE. The Senator has characterized the situation accurately. These people bring up these bills for political profit. Evidently some of them have profited politically just by introducing the bills. And I think they will continue to bring them before Congress so long as they do profit politically by doing so.

I know my colleague, who is an able historian, is aware of the fact that during Reconstruction, many Union soldiers assigned to occupy the South became disgusted at the spectacle and, when

they went home, ran for office and defeated some of the officials who had treated the South so badly. South-baiting thus ceased to be a profitable venture and I think the same thing will occur again one of these days.

Mr. RUSSELL. I wish it could be that way. My colleague, eminently wise in matters of history, knows that after 12 years of occupation—one of the longest military occupations in all history, incidentally—when the Union soldiers who occupied the South learned that all of the people there were not demons, nor beasts, nor witches, nor even inherently evil, and they were so full of resentment at all the laws aimed at the South under the leadership of Mr. Stevens that upon returning home they helped to defeat a great many people who they thought had *misrepresented* the situation.

Unfortunately, we face a different situation today. For political purposes and in sacrilegious use of the name of civil rights, the Constitution of the United States is being whittled away. That is being done in the courts. It is being done in the executive departments, through the issuance of orders which, under the original concept of this Government, the Chief Executive has no authority to issue. It is being done in the Congress of the United States.

Whenever the day comes that the Constitution of the United States is whittled away completely with respect to one right, we may be sure the same process will be followed with respect to other rights, and that there will be other whipping boys in other days, when there has been completely exhausted the last law which can possibly be conceived against the South.

Unless it is made a crime per se for a southern white man to exist, one day all the laws which can possibly be brought forth will be exhausted. Then it will be necessary to move into some other area.

The fact that the Constitution is being held in such contempt, or at least is being treated with such callous disregard, causes me to fear for the future of constitutional government in this country and to be more frightened than I have ever been before by the prospect of a centralized Government in Washington, D.C., which will control every facet of life in this land of ours.

Mr. TALMADGE. I thank my able colleague for his contribution. I am sure my colleague is familiar with the famous letter of Lord Macaulay, one of the greatest English-speaking historians. He pointed out the danger which my colleague has mentioned. He stated that our country would never be destroyed from without, as was ancient Rome, but that it would be sacked and pillaged from within. He maintained that our form of government would be destroyed by political leaders knuckling under to the demands of organized pressure groups in the latter half of the 20th century.

Mr. RUSSELL. He was very prophetic, because we can now see some of the pressure groups that are more destructive of the Constitution than the Huns and Vandals were of the buildings of Rome when they pillaged Rome.

I fear for the future of our country. As I recall, Lord Macaulay said in that same letter that the Constitution of the United States was all sail and no anchor. After I became a Senator, I said, "The Senate of the United States is the anchor of the Constitution." But we see that large groups in our country and many Members of this body are determined to cut the rope that ties stable government to the anchor of the Senate. When that is done, and the voices of Senators can be muted and silenced on this floor when they attempt to point to such invasions of the Constitution as are contemplated by the proposed legislation, we shall indeed have come to the evil day that was prophesied by Lord Macaulay.

Mr. TALMADGE. Mr. President, I share my colleague's conclusion.

While it is true that Congress under the Constitution has final authority over the times, places, and manner of holding elections, no exercise in semantics can get around the fact that the determination of voter qualifications is inherent in the registration process and registration consequently is an exclusive State function.

That this also was the understanding of succeeding Congresses throughout the years of our existence as a Nation is evidenced by the facts that the 17th amendment providing for the direct election of Senators brought forward the identical language of paragraph 1, section 2, article I and that the two limitations since placed upon this guarantee were accomplished by constitutional amendments—the 15th and 19th.

Even the present Supreme Court of the United States—in its preoccupation with sociological and psychological notions about judicial legislation—has not been able to get around this solid constitutional barrier to congressional interference with the control of the States over the right to vote. In the case of *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45), decided on June 8, 1959, the Warren Court specifically upheld the constitutionality of literacy tests for voting.

In that case the Court, through Mr. Justice Douglas, declared:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States, supra,* 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
>
> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams,* 193 U.S. 621, 633; *Mason* v. *Missouri,* 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article 1, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." So while the right of suffrage is established and guaranteed by the Constitution (*Ex Parte Yarborough,* 110 U.S. 651, 663–665; *Smith* v. *Allwright,* 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic,* 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed), speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." *McPherson* v. *Blacker,* 146 U.S. 1, 39.
>
> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason,* 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. (Cf. *Franklin* v. *Harper,* 205 Ga. 779, appeal dismissed, 339 U.S. 946.) It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith,* 159 Mass. 413–414. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.
>
> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face. In *Davis* v. *Schnell* (81 F. Supp. 872, affirmed 336 U.S. 933) the test was the citizen's ability to "understand and explain" an article of the Federal Constitution. The legislative setting of that provision and the great discretion it vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot. Affirmed.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished senior Senator from North Carolina, who is the chairman of the subcommittee to which was referred the bill which was the basis for the pending amendment.

Mr. ERVIN. I should like to ask the able and distinguished junior Senator

from Georgia a question. In light of the unanimous opinion of the Supreme Court handed down only 3 years ago, from which the Senator has been reading, I wonder if the Senator has any explanation as to how any person who is informed on constitutional questions could possibly anticipate that the Supreme Court of the United States would adjudge this bill, if enacted, valid, unless such person had lost the last vestige of confidence in both the intellectual integrity and the judicial stability of the Supreme Court.

Mr. TALMADGE. If they applied the standard that Associate Justice Douglas and all of his colleagues applied in the Lassiter case, they would have no choice but to declare it unconstitutional. It is utterly inconceivable to me that the Senate would seek to go beyond the Supreme Court of the United States in amending the Constitution.

Mr. ERVIN. I should like to ask the Senator a further question. Is the Senator aware that two of the chief advocates of the present proposal, namely, Dean Griswold, of Harvard Law School, and the present Attorney General of the United States, both admitted at the hearings before the Subcommittee on Constitutional Rights that although the provision allowing the States to prescribe the qualifications for voters in congressional elections had been in the Constitution from the time of the birth of this Republic down to the present date, they did not know and had never heard of a single decision of the Supreme Court of the United States even intimating that the Congress had any power to prescribe qualifications?

Mr. TALMADGE. I find it impossible to understand how some of those who testified before the Senator's subcommittee could have reached the conclusions they stated.

One of the most startling statements was made by Dean Griswold when he contended that an unconstitutional proposal could be made constitutional by the addition of some preliminary language.

Mr. ERVIN. Is not the statement of Dean Griswold, to which the Senator has just referred, tantamount to the assertion that Congress can increase its powers to legislate under the Constitution and decrease the powers of States to legislate under the Constitution by the simple expedient of uttering a factual lie in the preamble to a bill?

Mr. TALMADGE. The Senator is entirely correct. What he said, in fact, was that Congress could repeal certain provisions of the Constitution if it prefaced its repeal with the right sort of language.

Mr. ERVIN. I am sure the Senator will believe me when I say that as a result of the controversy that has been provoked by this legislative proposal, I have been very much concerned about the failure of the people in the United States to vote. Is the Senator aware of the fact that there are in all sections of the United States persons of all races who are apathetic toward governmental matters and who do not manifest the slightest interest in attempting to exercise the right of suffrage?

Mr. TALMADGE. Yes, the junior Senator from Georgia is so aware. It is a source of sadness that qualified citizens either do not register, or, having registered, do not exercise their right of franchise.

I fear we in this country so take our liberty for granted that we will not recognize the erosion of it before it is lost forever.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Georgia if he has observed that the two able and distinguished Senators from the State of New York are downright kind at all times in their effort to bring about a rather full exercise of the right of suffrage in the Southern States.

Mr. TALMADGE. Yes, the junior Senator from Georgia has so observed. As a matter of fact, the next portion of my speech deals with the recent Federal court decision relating to the voters within that State.

Mr. ERVIN. Does not the Senator believe that reform, like charity, might well begin at home?

Mr. TALMADGE. Indeed I do.

Mr. ERVIN. Does not the Senator believe that the two able and distinguished Senators from New York might interest themselves in ascertaining why 33 percent of the citizens of New York of voting age did not bother to participate in the presidential election of 1960?

Mr. TALMADGE. Perhaps the distinguished Senators believe that more votes can be harvested by attempting to remedy matters in areas farther away from home.

Mr. ERVIN. Our good friend, the present distinguished occupant of the Office of Attorney General of the United States, is numbered among the most ardent advocates of this bill. Can the Senator from Georgia tell me any reason other than apathy why it happens that, although in the election in 1960 the Democratic candidate for President was a resident of Massachusetts and the Republican candidate for Vice President was a resident of Massachusetts, approximately 24 percent of all the persons of voting age in the State of Massachusetts did not bother to go to the polls and cast their ballots?

Mr. TALMADGE. I am at a complete loss to tell the Senator the reason for that. The Attorney General might well profit by looking into that matter instead of trying to seek to repeal the Constitution.

Mr. ERVIN. Another very ardent advocate of the bill is the distinguished senior Senator from California [Mr. KUCHEL], who is the Republican whip in the Senate. Can the Senator from Georgia explain why it happens that in the great State of California 33 percent of the people of voting age failed to go to the polls to vote in the presidential election of 1960?

Mr. TALMADGE. I cannot tell the Senator, but it is a matter which should concern the distinguished senior Senator from California.

Mr. ERVIN. I should like to ask the Senator from Georgia if he agrees with me in the observation that it is certainly true that 24 percent of the people of voting age in Massachusetts, 33 percent of the people of voting age in New York State, and 33 percent of the people of voting age in California, who did not go to the polls to vote in the presidential election of 1960, were not prevented from doing so by any discriminatory practices inflicted upon them by any southerners in charge of the election machinery in those three great States.

Mr. TALMADGE. No; their failure to exercise their right of franchise is a matter for which they alone are responsible and that is as the junior Senator from Georgia believes it should be.

Mr. ERVIN. I thank the Senator from Georgia for yielding to me, and I commend him on his fine exposition of the constitutional principles which are involved in the proposal. He is making as able a presentation as can possibly be made.

Mr. TALMADGE. I thank my friend from North Carolina for his generous comment. I congratulate him on the outstanding work he has done as chairman of the subcommittee in this regard.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my distinguished friend, the Senator from South Carolina.

Mr. THURMOND. I wish to commend the distinguished Senator from Georgia, who is a profound lawyer and has served ably as Governor of the great State of Georgia, for the splendid address he has made here on this occasion.

Mr. TALMADGE. I am grateful, indeed, for the generosity of my colleague.

Mr. THURMOND. I am wondering if the Senator can answer a question or two on this subject.

Mr. TALMADGE. I will be delighted to do so.

Mr. THURMOND. Does the Senator know of any purpose that could be accomplished by passing the bill under consideration which could not be accomplished under present law, so far as protecting the right of persons to vote is concerned?

Mr. TALMADGE. None whatsoever. I had stated, before the Senator came to the floor, that there are many statutes on the books at the present time which guarantee the right to vote. The United States Code contains nine civil statutes and six criminal statutes which so provide.

As the Senator knows, since I have become a Member of this body, Congress has passed legislation making the Attorney General of the United States the tax-paid lawyer for private litigants in this area of the law. It has passed legislation authorizing the Federal judiciary without benefit of trial by jury to take over the duties and responsibilities of local registrars and appoint Federal referees to register such persons as they see fit.

The proposal now before the Senate is absolutely without any foundation in precedent. It is a political sham, contrived for the purpose of attracting votes and is so regarded by persons who know anything about it.

Mr. THURMOND. I desired to have that point emphasized, because many

persons feel that if Congress were to pass this proposal, thousands and thousands of Negroes who are not now voting would be enfranchised and could vote. That is utterly incorrect. Any citizen of South Carolina who has the necessary qualifications who wishes to vote now may do so, regardless of his race, creed, color, or anything else.

Mr. TALMADGE. That is true also of Georgia.

Mr. THURMOND. I believe that is the case throughout most of the States of the Nation. To pass the bill under consideration would add nothing to the present law. Adequate criminal and civil statutes are now on the books to guarantee and protect the right to vote. It is merely a question of enforcing some of the statutes already on the books, if a person has been deprived of the right to vote. If Congress were to pass this bill, it would still be necessary to enforce its provisions if anyone claimed he was deprived of the right to vote. So why the demand and hullabaloo for such a piece of legislation?

Is not the measure, as the Senator has suggested, a political bill, calculated to attract the attention of certain groups in this country who enjoy being catered to and who like to be told they are not receiving equal rights?

Mr. TALMADGE. The Senator is entirely correct. I shall deal with that point in some detail in a few moments.

Mr. THURMOND. Simply because southern Senators are opposing the bill, has not the impression gone out that the bill is calculated to hurt the South, and it is for that reason that we are opposed to it?

Mr. TALMADGE. Of course, the bill actually hurts the Constitution. I hope there will be more Senators than those from the South, who take seriously their oaths to uphold the Constitution.

Mr. THURMOND. Is it not true that of the 19 States which have literacy tests or requirements for voting, only 6 are in the South; that 13 of those States are outside the South; and that although the bill may be said to be aimed directly at the South, actually, from a practical standpoint, it would apply to many States outside the South as well?

Mr. TALMADGE. It would apply to all 50 States. I shall deal with that point also in some detail later in my remarks. I believe 19 States have literacy qualifications for voting. The great majority of those States are outside the South.

Mr. THURMOND. Is it not true that artice I, section 2, of the Constitution of the United States specifically provides that the voting qualifications shall be left to each State? Is not that as clear as words can be put in the English language?

Mr. TALMADGE. It is.

Mr. THURMOND. Do not those words mean what they say and say what they mean?

Mr. TALMADGE. They do indeed.

Mr. THURMOND. If voting qualifications are left to the States, how can a statute passed by Congress alter the Constitution, when there are only two ways in which the Constitution can be amended, which are set forth in the Constitution?

Mr. TALMADGE. The Senator is entirely correct.

Mr. THURMOND. Would not such a bill as the one now under consideration, if passed, be clearly unconstitutional? And is it not further true that literacy tests have been upheld by the Supreme Court in several decisions? I believe the Lassiter case, handed down a little over 2 years ago, is one of the latest decisions on the point. It specifically upholds the constitutionality of literacy tests.

Mr. TALMADGE. In my judgment, such a bill as that we are now considering would be clearly unconstitutional, and every decision that has ever been handed down by the Federal courts has so held.

Mr. THURMOND. Does not the Newberry decision of the Supreme Court uphold the same point?

Mr. TALMADGE. It does.

Mr. THURMOND. Does it not hold that the voting qualifications are left to the States?

Mr. TALMADGE. That is correct.

Mr. THURMOND. If the Constitution means what it says, and if the decisions of the Supreme Court mean what they say, how can anyone who is a lawyer or who studies the Constitution or the numerous decisions vote for such a bill, when it is clear that a statute cannot amend or abridge the Constitution?

Mr. TALMADGE. I do not understand how any Senator could support such legislation in the light of his sworn duty to uphold the Constitution of the United States.

Mr. THURMOND. It is being alleged that under the 15th amendment, many persons are being deprived of their rights, and that therefore this proposal is necessary. Is it not true that the 17th amendment, which was, of course, adopted after the 15th amendment, restates the identical wording and verbiage of article I, section 2, of the Constitution, which provides that qualifications of voters are reserved to the States?

Mr. TALMADGE. The Senator is entirely correct. I point out, further, in specific response to his inquiry about the 15th amendment, that in the case of *Pope* v. *Williams*, 193 U.S., page 621, the Supreme Court used the following language, which is a clear declaration concerning the power of Congress under the 15th amendment:

> Since the 15th amendment the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color, or previous condition of servitude.

That is the language of the Supreme Court itself in construing the meaning of the 15th amendment. Certainly no power is granted by the 15th amendment for such legislation as is here proposed.

Mr. THURMOND. Is it not true that every State has imposed some restriction on the right to vote——

Mr. TALMADGE. Indeed it has.

Mr. THURMOND. Whether the restriction be a matter of age, as, for instance, in the home State of the distinguished Senator from Georgia, where I believe a person may vote at the age of 18?

Mr. TALMADGE. And also in Kentucky; and at the age of 19 in Alaska.

Mr. THURMOND. In most of the States—I believe in about 47 of them—a person must be 21 years of age in order to vote.

Mr. TALMADGE. That is correct.

Mr. THURMOND. Is not age a voting qualification?

Mr. TALMADGE. Certainly it is.

Mr. THURMOND. Do not some States have qualifications which prohibit insane persons from voting? Do not some States prohibit absentee voting? Do not some States prohibit persons who have been dishonorably discharged from the armed services from voting?

Mr. TALMADGE. That is correct.

Mr. THURMOND. Do not some States prohibit those who have been convicted of a felony from voting, as does my State of South Carolina?

Mr. TALMADGE. The Senator is correct. If Congress has the power to legislate in this area, it has the power to legislate in every area that the Senator has outlined; that is, the qualifications with reference to age, with reference to whether a person has committed crimes, whether he has been dishonorably discharged from the armed services; and all the various areas in which the several States have imposed qualifications for electors.

Mr. THURMOND. Do not some States prohibit paupers from voting?

Mr. TALMADGE. That is correct.

Mr. THURMOND. Do not other States require the ownership of property before a person may vote in certain types of elections? In other words, are not all these matters which fall within the category of qualifications for voting?

Mr. TALMADGE. That is correct.

Mr. THURMOND. They are now reserved to the States. The States are exercising their right to determine the qualifications for voting. If Congress attempts to pass a statute relating to only one phase, namely, literacy tests, would not that then be a precedent for opening the door to enacting provisions which could change the voting laws in all other respects in the different States?

Mr. TALMADGE. The Senator from South Carolina is entirely correct. If Congress can legislate in the field of literacy tests, it can likewise legislate in every area the Senator from South Carolina has mentioned.

Mr. THURMOND. Does the Senator from Georgia know of any decision by any court, anywhere, in which it has been held that the matter of voting qualifications does not reside in the States?

Mr. TALMADGE. My associates and I have been unable to find one authority, either State or Federal, holding that any branch of the Federal Government has authority to fix the qualifications of electors.

Mr. THURMOND. There is no decision to be found anywhere which holds that the States do not have the power to fix the qualifications of voters.

Mr. TALMADGE. That is correct.

Mr. THURMOND. The Constitution provides that the States have this power, and all the court decisions uphold this power of the States; and there can be no question about it.

So I return to the point that the purpose of this bill is a political one, not to help people to vote.

There already are on the lawbooks adequate prctections of the right of the people of the United States to vote; and if the people want that help, they certainly can get it.

Mr. TALMADGE. The Senator from South Carolina is entirely correct.

Mr. THURMOND. I thank my friend.

Mr. TALMADGE. I thank the Senator from South Carolina for his contributions to the debate.

Mr. JORDAN. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. TALMADGE. I am glad to yield to my friend, the Senator from North Carolina.

Mr. JORDAN. The Senator from Georgia has brought out many important facts which I wish all our colleagues could hear, and which I wish all of them would also heed.

Mr. TALMADGE. I thank the Senator from North Carolina.

Mr. JORDAN. I wish to ask a question: If the Senate were to pass this piece of legislation, and if it were to become law, would not it likewise be possible for Congress to enact a piece of legislation which would provide that every inmate of every penitentiary in the land should be allowed to vote?

Mr. TALMADGE. Certainly; and such a law would be just as reasonable as the one here proposed. Congress has no authority to set the standards for voting in any of the States.

So, if Congress decided that it could do the one, it could just as easily decide that it could do the other, and thus extend the right to vote to all criminals.

Mr. JORDAN. And, similarly, Congress then could provide by law, could it not, that all inmates of insane asylums could vote?

Mr. TALMADGE. Yes; that would be just as sensible as a national law providing that all criminals could vote.

Mr. JORDAN. Perhaps some of the States which, unfortunately, have larger penitentiary populations and more insane persons than those in our States would not wish that to be done.

Mr. TALMADGE. Well, I am sure that some who are seeking to gain political advantage would not hesitate to any such proposal which they felt would benefit them at the polls.

I thank my friend for his contribution.

Mr. JORDAN. I thank the Senator from Georgia for yielding.

Mr. TALMADGE. Mr. President, as late as last October a special three-judge Federal court upheld the constitutionality of a New York State law requiring voters to be literate in the English language despite the fact that its operation disfranchises several hundred thousand Spanish-speaking Puerto Rican citizens. In its decision the court asked:

> What is more proper than that the voter be literate in the language used to conduct the business of government in this State?

It then proceeded to declare:

> It is not unreasonable to expect a voter not only to be conversant with the issues presented for determination in choosing between candidates for election, but also to understand the language used in connection with the voting.
>
> For example, there are printed in English on the ballot synopses of proposed constitutional amendments, titles of the offices to be filled and directives as to the use of the paper ballot or the voting machine.

The New York Herald Tribune, in its issue of October 26, 1961, featured an editorial heralding the decision. Entitled "A Fair Requirement for Voters," it goes so pointedly to the heart of the issue under debate that I wish to read it to the Senate:

> In upholding New York State's requirement that literacy tests for voting be taken in English, a three-judge Federal court showed good sense.
>
> Proof of literacy is certainly a fair requirement for voting. The electorate is ill-informed enough as it is, without opening the polls indiscriminately to those who can't even read and write. And if the point of a literacy test is to establish some minimum standard of competence to pass on community affairs, there is nothing arbitrary or capricious in requiring literacy in the language of the community.
>
> The case before the court was brought by Jose Camacho, a Puerto Rican-born Bronx grocer who argued that he should be allowed to take the test in Spanish. It had a good deal of potential significance for the Puerto Rican community here. Unlike other foreign language groups, the Puerto Ricans come to New York as citizens; only residence and language requirements bar most from voting as soon as they arrive.
>
> The English-language specification does disfranchise many Puerto Ricans who are fully literate in Spanish. Estimates of the number affected range to 200,000. In its 1959 report, the Civil Rights Commission declared that "Puerto Rican-Americans are being denied the right to vote, and * * * these denials exist in substantial numbers in the State of New York."
>
> These 200,000, however, are perfectly free to vote as soon as they meet the same standards that apply to everyone else. New York's is not a systematic disfranchisement of Puerto Ricans as such. They have an important role to play in the future political life of city and State. Their participation is welcome. But only on terms of equality—not by a special dispensation which would have the effect of perpetuating, and institutionalizing, a separation by language within the city.
>
> A standard—any standard—is inherently discriminatory. But languages can be learned; there is ample opportunity, in New York, to learn English. And, as the court asked rhetorically in its ruling, "What is more proper than that the voter be literate in the language used to conduct the business of government in his State?"

Mr. President, it hardly can be contended that the literacy requirements of any State are more far reaching in their effect upon the exercise of the franchise than are those of the State of New York. And the Federal judiciary has held in no uncertain terms that they square with the Constitution of the United States.

The point was effectively summarized in a recent column by Editor Vermont Royster, of the Wall Street Journal, in these words:

> Up to now all changes in the States' power over the voting franchise have been made by amending the Constitution itself in the regular fashion. The Supreme Court has upheld the right of States to have varying rules within this framework (including the requirement of literacy tests) so long as the rules apply alike to all applicants for the voting privilege.

The same publication, in an editorial of last January 30, put the issue in its proper perspective thusly:

> There is more at stake in the argument than the sheer demagoguery at wooing mass voting blocs. What is being assaulted is the whole concept that responsible democracy rests upon responsible voters; the child, the moron, the illiterate, the ignorant, the man who contributes nothing to the commonweal, the voice of each of these should be counted equally with the voice of the literate, the educated, the intelligent and the informed.
>
> Society, in this view, must not be permitted to protect itself with even the most rudimentary rules to make voting a privilege of those who have at least an elemental understanding of, and make some contribution to, the society in which they are privileged to live.

The Saturday Evening Post has defended the need for and constitutionality of literacy tests for voters as follows:

> Literacy tests are required not only by most Southern States but also by Massachusetts, Washington, California, Connecticut, Alaska, and eight other States far away from Dixie. If the people of Massachusetts believe that literacy is a reasonable qualification for voting, it is hard to see why the Federal Government should deny their right to insist on it. Some State voting laws, notably those concerning residence requirements, are certainly a hodgepodge and should be straightened out. But the literacy requirement cannot be considered unreasonable—unless it is assumed that reading is a lost skill unnecessary for the intelligent citizen.

Mr. President, this is not an issue in which the finger can be pointed solely at Southern States. Every State has restrictions of some kind on the right to vote. Age requirements vary from 18 in Georgia and Kentucky to 21 in 47 States. Residence requirements range from 6 months to 2 years.

Eight States do not permit absentee voting. Forty-one States forbid insane persons to vote. Nine States disfranchise paupers. Two States do not permit persons dishonorably discharged from the Armed Forces to vote. Forty-one States deny the ballot to criminals. Seven States require loyalty oaths. Five States levy poll taxes, and five also require property ownership to vote in special tax or bond elections.

And 19 States—including only 6 in the South—specify that voters must pass literacy tests. They are Alabama, Arizona, California, Connecticut, Delaware, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Washington, and Wyoming.

All of which brings us, Mr. President, to the point of why this issue is being raised at all. That is a question which

can best be answered by quoting from the recent article by New York Herald Tribune Political Correspondent Earl Mazo, entitled, "The Greedy Grab for the Negro Vote." He wrote:

> In the political fraternity, "civil rights" is essentially the Negro vote, the most crucial bloc in the land.
>
> Senator Kennedy could not have become President without it. His overwhelming majorities in Negro districts of seven States greatly exceeded the slim pluralities by which he carried those States, picking up 140 electoral votes, without which he would have been badly beaten. * * *
>
> In close presidential or statewide contests, the Negro bloc is essential for victory in more than a dozen States.
>
> Except in landslides, Negroes hold the balance of power in Pennsylvania, Illinois, Michigan, and Missouri. Their vote may well be crucial in New York, New Jersey, Ohio, California, and Maryland. And it has become a potent force in States like Kentucky, Tennessee, North Carolina, Florida, and many others.

In other words, Mr. President, the Senate is being asked to override the Constitution of the United States and usurp the authority of the States to fix the qualifications for voting for no other reason than to influence a partisan bloc vote. Even assuming, for the sake of argument, the goal of such action to be worthy—which the junior Senator from Georgia most certainly does not—it could not possibly balance out the alarming precedent of Congress disregarding the prohibitions of the Constitution for the sake of political expediency.

Mr. President, no one has shown that there exists in this Nation any general effort to prevent qualified citizens from exercising their right to vote. And neither has anyone cited the first bit of evidence to show that those few who may have had their right of franchise infringed upon have not found early and effective redress in the courts.

Mr. President, there already are on the statute books of this Nation six criminal and nine civil Federal statutes protecting the right to vote. They are more than sufficiently comprehensive to take care of any situation which may now exist or might in the future arise. Their remedies can be invoked at no cost by any citizen who is the victim of discrimination.

It would be well, Mr. President, for the Senate to give thought to the ultimate implications of the action it is being asked to take.

It is a disservice to the people of the United States and a discredit to the Members of Congress for Congress to blind itself to the Constitution and to attempt to put on the statute books of the Nation a law which not only is clearly not needed but also is patently unconstitutional.

Rather, we should ever keep in mind and heed the admonition of the Father of our Country when he said in his Farewell Address:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. HILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Does the Senator from Georgia yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Alabama.

Mr. HILL. I congratulate the Senator from Georgia on his very learned, able, and excellent address. It is one of the most compelling speeches I have heard in my long time as a Member of this body.

Mr. TALMADGE. I am grateful indeed for the generous remarks by my able and learned friend, the distinguished Senator from Alabama.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. I would like to say that in the shorter term of years that I have been able to serve here than the much longer time served by my senior colleague, the distinguished senior Senator from Alabama, I have not heard a more illuminating, a more excellent, or a more scholarly address than his on any subject, and I certainly congratulate the Senator.

Just before his conclusion, the Senator quoted at some length from an article which appeared in the New York Herald Tribune, written by Earl Mazo, indicating that the whole purpose behind the effort in the proposal now pending was the capture of a certain bloc of votes; namely, the Negro vote. I wonder if the distinguished Senator has thought of the matter from this point of view? Is it not a fact that, perhaps more than any other group in the Nation, the Negro group of citizens, comprising, as they do, many good people and many fine citizens who have made contributions to our Government, have most to be grateful for in the existence and the continued stability of the Constitution?

Mr. TALMADGE. First, let me thank the Senator for the overwhelmingly generous compliment which he paid me. I am all the more grateful for his kind words knowing of his ability, dedication to duty, belief in the Constitution, and learning as a lawyer.

In answer to the Senator's question, American Negroes have achieved the greatest degree of freedom and the highest standard of living of any members of their race anywhere in the world. They have done so in a very short period of time.

In my judgment, Negroes, as well as people of all other origins in this country, ought to thank their God every night for a constitutional system which gives to all of us such an abundance of personal freedom and such unlimited economic opportunity to enjoy the fruits of our labors. It would be a great mistake for anyone, white or colored, to ever set in motion processes which would tear down the constitutional and economic systems which has been so beneficial to all.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. TALMADGE. I am delighted to yield.

Mr. HOLLAND. I certainly agree with the Senator that all American citizens have a very great stake, as he has indicated, in the preservation of the Constitution of the United States.

Recognizing that the 13th amendment to that Constitution was adopted to make certain that an executive order of emancipation, entered by a great President in the course of a war and as a war measure, should become permanent; and that the 15th amendment guarantees that race or group against discrimination in the field of voting because of race or previous condition of servitude. It seems to me the Constitution should be looked upon by the Negro citizens of the United States—who, as I say, have rendered very great service to our Nation in time of peace and of war—as the covenant which has brought freedom, equal status, and the situation of dignity under which they now live, and that of all groups in the Nation that group should be most reluctant to adopt any course of action which might destroy, break down, or diminish the strength and stability of the Constitution. Does not the distinguished Senator think there is value to that point of view?

Mr. TALMADGE. Indeed I do. I share the view of my friend to the fullest possible degree.

Mr. HOLLAND. If the Senator will yield further, without losing his right to the floor, I should like to send to the desk at this time an amendment which I shall offer at the proper time to the pending amendment, offered by the two leaders of the Senate.

Mr. TALMADGE. Mr. President, I am about to yield the floor. If no other Senator desires to ask a question, I am willing to yield the floor, and the Senator from Florida may offer his amendment in his own right.

Mr. STENNIS. Mr. President, I should like to have the Senator yield to me.

Mr. TALMADGE. I am delighted to yield to the Senator.

Mr. HOLLAND. Mr. President, I wonder if the Senator from Georgia will ask permission to yield to me without losing his right to the floor. I should like to have the amendment printed.

Mr. TALMADGE. I am delighted to do so. I thought the Senator might wish to have the floor in his own right.

Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Florida without losing my right to the floor, and with the understanding that my yielding to the Senator is not to be considered as my having made two speeches.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I am not now offering the amendment, because I am operating on borrowed time.

Mr. President, I submit the amendment, for printing, ask that it may lie on

the table, and ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 3, line 17, strike out ", whether for literacy or otherwise," and insert in lieu thereof "for literacy."

Mr. HOLLAND. Mr. President, I invite the attention of Senators present to the fact that my amendment proposes to strike, on line 17, page 3, of the amendment in the nature of a substitute offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], the words ", whether for literacy or otherwise," and to replace them with the words "for literacy." It seems to me very clear that the words "or otherwise" cover a multitude of things which I do not believe the offerers of the amendment had any idea of covering with the amendment.

Mr. TALMADGE. I concur in the view of the Senator from Florida. In fact, when I was testifying before the subcommittee I pointed out that that particular language is broad enough to prohibit disqualification of someone who, in the course of an examination, admits he has committed a felony.

Mr. HOLLAND. Mr. President, I appreciate that comment of the distinguished Senator. I thoroughly agree that the language would cover the situation he mentions, and it would cover many others, such as the bringing out on an examination of great doubt as to the citizen's satisfying residence requirements, age requirements, or many other features relating to qualification of a voter.

Mr. TALMADGE. I agree with the Senator.

Mr. HOLLAND. I thank my friend for yielding.

Mr. TALMADGE. I commend the Senator for submitting the amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I wish to highly commend the Senator from Georgia for what has been a very fine presentation today, strictly on the merits of the proposed legislation. The Senator has pointed out in a very clear fashion the applicable legal principles. I have listened to most of his speech. I have read all of it. I think it is outstanding, I say to the Senator from Georgia.

Mr. TALMADGE. I am grateful indeed to the Senator for the generosity of his comments.

Mr. STENNIS. I wish to say further, as a preface to a question, Mr. President, that the more one studies the proposed legislation the more one realizes how carefully it is drawn. As a matter of fact, it is very skillfully drawn. It clearly shows, I think, that the author knew at the time there was not any direct constitutional authority upon which the proposal could be based, so the author resorted to the idea of "cranking in" the reasons in the preamble, to begin with. I doubt that any bill needs a preamble, anyway.

Mr. TALMADGE. It does not. What the author is doing in the preamble, of course, is making a stump speech. He is first trying the lawsuit, and then directing a verdict.

Mr. STENNIS. That is a good way for a courthouse lawyer to state the situation. Speaking in terms of the missile age, it looks to me as if the author attempted to build in some power, to build in some rockets.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. One of the "Whereases" takes it to a certain height, then falls away; another takes it to another height; and eventually, it is felt, it will get to outer space and come back down somewhere. It is hoped then it will have some new constitutional authority.

Mr. TALMADGE. The Senator has expressed an apt analogy.

Mr. STENNIS. I predict to the Senator from Georgia that the proposal cannot possibly stand the withering fire of open debate. The exposure the Senator has made on the floor today, that others have made, and that others will continue to make, will bring out its true standing so far as having a lack of constitutional authority is concerned.

Mr. TALMADGE. I thank the Senator.

Mr. STENNIS. I express the confident belief that it will not pass. I commend the Senator from Georgia for making such a fine presentation.

Mr. TALMADGE. I am grateful indeed to the Senator.

Mr. STENNIS. I know the Senator will continue to work on this matter, because it must be brought out again and again, to show exactly what is the issue and the lack of authority involved.

Mr. TALMADGE. In my judgment, if the news media of the Nation will report to the American people that this measure seeks to amend the Constitution by legislation, public opinion will demand that the Senate overwhelmingly defeat it.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator withhold his suggestion? I wish to seek recognition.

The PRESIDING OFFICER. Does the Senator from Georgia withhold his suggestion?

Mr. TALMADGE. Certainly. I yield the floor.

Mr. JAVITS. Mr. President, I withdraw my request.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield to me? I ask unanimous consent that he may do so without losing his right to the floor.

Mr. CHURCH. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, it has been our custom, when a procedure of the kind before us, euphemistically called extended debate was going on, to let our friends from the Southern States go ahead and debate. But such restraint is giving us somewhat the worst of it. For a very brief time when arguments are made on the merits, and we know they are to be reported, as these undoubtedly will be, it is pertinent to set the record straight, provided it can be done within a very short compass. And I think it can be done within a very short compass now.

First, the Senator from Georgia [Mr. TALMADGE], who unfortunately is not in the Chamber, said that the statute which is before us is patently unconstitutional. I invite attention to the fact that yesterday I submitted for the RECORD, a memorandum of law, which is found at page 7166 of the RECORD, distinctly showing that the measure before us as a statute is entirely constitutional based upon the cases of the courts and the amendments to the Constitution.

That is the view of the Attorney General of the United States, without any question; it is the view of the majority leader; it is the view of the President of the United States. I respectfully submit, therefore, that any such statement which would lead one to believe that it is only extremists in the field of civil rights who consider the question constitutional should not stand unchallenged on the record.

Second, if I heard my colleague correctly, he said:

No one has shown that there exists in this Nation any general effort to prevent people from voting.

I have in my hand a volume entitled "Voting—1961 U.S. Commission on Civil Rights Report." The members of the U.S. Civil Rights Commission are John A. Hannah, chairman; Robert G. Storey, Erwin N. Griswold, Theodore M. Hesburgh, Robert S. Rankin, and Spottswood W. Robinson III. Their number is divided three and three between the North and the South. They all have said that there is a concerted effort in this country to prevent people from voting, and that the use of the literacy test is the method by which it is done.

I refer specifically to the findings of the Commission which are unchallenged by any of its members, at page 135 of the report, in which the Commission has said:

There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in eight Southern States: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Some denials of the right to vote occur by reason of discriminatory application of laws setting qualifications for voters.

The bill which is before the Senate is recommendation No. 3 of the Commission, which appears on page 141 of the report. The recommendation is concurred in by every Member of the Commission, North and South alike, among them some of the most distinguished lawyers in our land.

The third thing which my colleague said is—

It has not been found that there is not really an effective redress in court for any denials of the right to vote.

I assume by abuse of the literacy test. Yet we have the testimony of the Attorney General himself, which has been referred to constantly in the debate, that it is completely impractical to try to redress violations through individual suits. The number is too great, and the problem cannot be coped with on that basis.

Finally my colleague said—and again I am relying on my notes as to what he said:

Remedies can be invoked by any citizen.

I think he said "at no cost."

Let us understand the issue. This is a good note upon which to end my short interruption of the Senator from Idaho [Mr. CHURCH].

When a citizen tries to sue in such a case, is he facing a private litigant? Oh, no. He is facing the marshaled powers of the attorney general of the Southern State which is involved, and the marshaled powers of all its people who believe in the segregation idea.

Finally, I am a little tired of being told that we who are fighting the civil rights battle are looking for votes. What about our southern friends? What are they looking for? What kind of deal is this for them? Does the present action appeal to their communities? Is this a measure which they enjoy standing here day after day debating because they like to talk, or because it is good for their health? We are not living in a dream world. We are trying to sustain the Constitution. If there be anything wrong with that, if we must be called names on that account, that is fine. But let us understand that those who raise the cry of politics had better be ready to answer themselves, especially when in my view they are trying to tear down the Constitution instead of to maintain it.

Mr. President, as long as one distinguished New York newspaper has been invoked, I ask unanimous consent that there be printed as a part of my remarks an editorial published in the New York Times of March 22, 1962, entitled "The Literacy Bill," which takes a very different view as to the constitutionality and propriety of the measure than the view apparently taken by the New York Herald Tribune.

I am very grateful to the Senator for yielding.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LITERACY BILL

Inquiries by the Civil Rights Commission and the Justice Department have fully exposed the misuse of literacy tests in some Southern States to keep qualified Negroes from voting.

Under existing law, remedies for such discrimination are slow and unsure. The Justice Department must prove, by laborious documentary evidence, that a registrar applied different standards to white and Negro applicants. It is a case-by-case, really a voter-by-voter process. To cut through these difficulties the six members of the Civil Rights Commission, northern and southern, unanimously proposed that Congress declare all persons with six grades of schooling literate for voting purposes.

Congress constitutional power to take such a step seems clear. The 15th amendment bans racial discrimination in voting and authorizes Congress to enforce that command by appropriate legislation. The proposed statute would not annul the States rights to make literacy a qualification for voting. It would simply recognize that all experts consider sixth-grade graduates to be literate, and it would find State action to the contrary motivated by an intention to discriminate on racial grounds.

The proposal is the principal civil rights objective of the Kennedy administration at this session. It was part of the 1960 Republican platform. With those endorsements, and that of the Civil Rights Commission, it should have a good chance of enactment. But it is running into two unexpected obstacles—objections by Representative EMANUEL CELLER, of New York City, and the cry of some Republicans that the literacy bill does not go far enough.

Mr. CELLER, chairman of the House Judiciary Committee, is usually a supporter of civil rights legislation. It is difficult to understand his sudden doubts about the literacy bill's constitutionality. As he must realize, it is empty to talk of a constitutional amendment, because its chances of ratification by the needed three-fourths of the States would be so slim. Further thought should bring Mr. CELLER around to a fight for this legislation.

As for the Republican objection, it is of course true that much other civil rights legislation would be desirable. But this bill is the one that has a chance of passage now. It would be the rankest politics to block a significant forward step on the ground that it does not meet ultimate goals. The literacy bill would go a long way toward enabling more Negroes to vote in the South. It should be passed at this session.

IDAHO'S CASE AGAINST POTATO CONTROLS

Mr. CHURCH. Mr. President, Idaho produces the world's best potatoes. They are best because they are grown at high altitudes in the rich soil of an ancient lava plain, and are irrigated with the cold waters of the Snake River. As the exceptional quality of Idaho potatoes has become known to the buying public, demand for them has grown, until today Idaho has become the foremost potato-growing State in the Union. A free market has enabled this growth to occur, so that many thousands of Idaho farm families now depend upon our potato crop for their livelihood.

This has been a poor year for potatoes in Idaho and throughout the country. Too many potatoes were grown, the market has been glutted, prices have fallen.

As a result, voices are now being raised elsewhere in the industry for the Federal Government to institute a potato control program in order to stabilize the market.

I cannot say categorically, Mr. President, that some kind of potato program may not eventually prove to be needed. If the law of supply and demand does not function to restore better potato prices within a reasonable time, a suitable Government program to redress the balance may yet be required.

But I can say categorically, Mr. President, that elaborate controls ought not to be resorted to on the basis of one poor year. Even though Idaho farmers have suffered serious losses this year, I believe the great bulk of them would prefer to try to work out the problem on their own. Most seem to be strongly of the opinion that Government intervention should come, if at all, only as a last resort.

It is in this context that I would discuss today the two approaches to potato controls which are now under active consideration—the national marketing order proposed by the Secretary of Agriculture, and the bills introduced in this Congress to establish acreage allotments on potatoes.

PROPOSED NATIONAL MARKETING ORDER

The Department of Agriculture has just concluded a series of hearings, at various points throughout the country, on a proposed national marketing agreement and order for potatoes. The Secretary of Agriculture has authority, under the Agricultural Marketing Agreement Act of 1937, to submit the proposed marketing order to a growers' referendum, upon review of the hearings record, and after making such modifications in it as he deems warranted. The law requires only that the Secretary's action be based on substantial evidence. Then, if two-thirds of the growers in such a nationwide referendum approve, the law provides that the proposed marketing order will take effect without referral to the Congress.

The last week in March was devoted to hearings on this subject in Pocatello, Idaho. While the hearing record is not yet available, I have studied many of the statements submitted, and I have been in close touch with spokesmen for the potato producing, shipping, and processing industries in Idaho.

Since the issue of a new control program for potatoes was first raised—by a resolution of the National Potato Council adopted last fall—I have repeatedly said that I would oppose any control program which is unwanted in Idaho. I am satisfied that a major feature of the proposed national marketing order—volume controls enforced at the handler level—is definitely unwanted in my State. Moreover, I am convinced that there is sound reasoning, applicable not just in Idaho, but to the whole potato industry, to justify its rejection.

Experience has shown that volume controls enforced at the handler level are unsatisfactory. Their administration poses great difficulty. Black marketing of potatoes, in violation of the order, cannot be avoided, especially in areas close to big-city markets, where contact between grower and commercial buyer can be direct. Our last experience with controls of this type, which came more than a decade ago, was with a program

which failed notoriously to accomplish its objectives, and broke down, finally, in nothing less than a public scandal. If this happens again, areas like Idaho, where production, sale, and processing of potatoes is far removed from the major markets, could suffer undue injury. For these reasons, I believe Secretary Freeman would be well advised to eliminate volume controls from the proposed marketing order, should he decide to submit it to a referendum.

If suitably amended, I think a workable marketing order might find much support in Idaho, as well as in other major potato producing areas. There would be significant advantages to commercial potato growers in a national marketing order of uniform application, which established requirements for grade, size, and quality, for labeling as to both grade and source, and for compulsory inspection to insure compliance. If the order were also to include a provision prohibiting the use of culls for human food, most Idaho growers seem to believe it would result in an improved quality of potatoes, and that it would also reduce the excessive production which now gluts the potato market.

As I have indicated, Mr. President, the law leaves it with the Secretary of Agriculture to determine what the final provisions of any proposed national marketing order on potatoes shall be, what its scope and method shall be, and if, when, and how it shall be submitted to the growers for approval. In all likelihood, this means that the potato farmers, themselves, will have to settle the question of whether or not there is to be a national marketing order on potatoes.

However, because such a referendum would be nationwide, and because of the special importance of potatoes to the economy of southern Idaho, the gentleman from Idaho, Congressman RALPH HARDING, and I have done our utmost to place Idaho's case against the national marketing order, as now proposed, before the Secretary of Agriculture and other officials in his Department. On March 6, we summed up our position in a joint letter to Secretary Freeman. I ask unanimous consent that the text of this letter may appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

MARCH 6, 1962.

Hon. ORVILLE FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR ORVILLE: Since the Department announced, on February 16, that hearings would be held on a proposed marketing agreement and order for potatoes, we have been in close touch with spokesmen for the producing, shipping, and processing industries in Idaho. They advise us that the proposed authority to limit amounts which handlers may purchase from, or handle on behalf of producers, is the most objectionable feature of the suggested program. Experience has shown that this method of imposing volume controls is unworkable. Administration is costly and cumbersome. Black marketing of potatoes cannot be effectively prevented, especially in areas where marketing arrangements have traditionally been casual and relatively direct. Leaks in the system would work to the disadvantage of areas, like Idaho, where production, marketing, and processing of potatoes is a major industry.

We believe there would be support in Idaho for a national marketing order of uniform application which would establish requirements for grade, size, and quality, leaving the culls and surplus lower grade potatoes available for animal feed, and for the production of starch and industrial alcohol, if such an order provided for effective Federal inspection at packing and processing plants and distribution centers to insure compliance, and included labeling requirements as to both grade and source. Moreover, if its submission were coupled with a strong forewarning that Federal money would not be used for rescue operations on substandard potatoes, we think that a marketing order of this kind would not only result in the offering to the public of an improved quality of potatoes, but it could work substantial reduction in total production as well.

In view of the very bad past experience with volume controls enforced at the handler level, we believe any decision to take this route again should not be made through a producers' referendum, where sufficient weight is given to the wishes of those regions where potatoes are a dominant commercial product. Controls of this type present a major question of public policy, which should be decided by the Congress. We therefore register our opposition to any marketing order which goes beyond the grade, size, quality, maturity, pack, container, and labeling requirements currently proposed, unless specific authority for a broader program based on volume controls is obtained from the Congress.

Sincerely,

FRANK CHURCH,
U.S. Senator.
RALPH HARDING,
Member of Congress.

Mr. CHURCH. Mr. President, let me turn now from the subject of the proposed national marketing order, which will not come before the Congress for decision, to the subject of certain bills that have been introduced in both Houses of Congress, which seek to establish a national acreage allotment system for potatoes. These bills are before us for decision, and the disposal to be made of them will be determined in this session of the Congress.

POTATO ACREAGE CONTROL BILLS

I realize that legislation establishing potato acreage controls has been recommended by the National Potato Advisory Committee. For the record, it should be made clear that the three Idaho representatives on this committee, who were nominated by the Idaho Potato Growers Association and the Idaho Potato Bargaining Association, voted against the recommended control program. In doing so, I think there is no question but what they reflected the preponderant sentiment of Idaho farmers.

These Idaho members, Joe Allen, of American Falls; Harold Blanksma, of Nampa, and L. A. Gillette, of Paul, participated in the deliberations of the committee in a most constructive way. They were able to modify the final recommendations in respects helpful to Idaho, and for this they deserve our thanks.

While the advisory committee was meeting here in Washington, I conferred with Secretary Freeman and other officials of the Agriculture Department. They gave me their assurances that they would attempt no controls on the 1962 potato crop, and that they would hold no grower referendum on any proposed national marketing order without first conducting public hearings in Idaho.

Then, on January 19, I went to President Kennedy at the White House. I told him that Idaho's potato industry appeared to be strongly opposed at this time to either direct acreage restrictions or to any attempt to accomplish volume restrictions indirectly through a national marketing order. I urged him against making potato controls a part of the farm program which he was about to submit to Congress. Naturally, I was gratified when he omitted any mention of potatoes in his farm message.

Now that the distinguished junior Senator from Maine [Mr. MUSKIE] has introduced his bill, S. 3050, to establish acreage allotments on potatoes, I have been told that my opposition to this measure at this time involves me in an inconsistency—that I am resisting acreage controls on potatoes, while urging their retention on sugar beets.

It is true that acreage controls have worked well for some commodities. We are most familiar, in Idaho, with the successful Sugar Act, and it might seem, at first glance, that acreage controls for potatoes, applied under the same principles that have guided the sugar beet program, might work equally well. Upon examination, however, it can be seen that the two commodities are fundamentally different in several respects.

In the case of sugar, the United States is in a net import position. We fall far short of producting domestically anywhere near our total sugar requirements. The purpose of the Sugar Act is therefore to encourage domestic production, in order to contribute to market stability at fair prices to consumers. But there is no shortage of domestically grown potatoes, and they are not imported in significant quantities. Further, the two are strikingly different in that potatoes, unlike sugar, cannot be stored from season to season. This means that potato prices respond promptly and naturally to fluctuations in current production, and cannot readily be subjected to artificial manipulation or control. Finally, there is a striking difference in the feasibility of control techniques. Sugar beets are useless until they pass through a refinery, and this involves a complicated and expensive industrial process, which cannot readily be expanded without substantial capital investment, and which must operate at high capacity in order to show a profit for either the grower or the refiner. Potatoes, on the other hand, can be carried directly to a supermarket in a pickup truck, or to a roadside market in a basket, ready for sale to the consumer. Where the refiners of sugar are few, easily charged with the responsibility to ascertain that the beets they contract for are legally grown, the purchasers of potatoes, especially in the noncommercial areas, are legion. In

the one case, an acreage control program can be administered; in the other, it must be policed.

I am confident that the members of the Senate Committee on Agriculture will weigh these factors with care when legislation to authorize potato acreage allotments is taken up, and I am hopeful that they will conclude, as I have, that it should be opposed.

Mr. President, the Idaho potato industry has grown and prospered greatly over the past 12 years, in the absence of controls. During this period, the value of our crop has increased markedly, and the development of a modern processing industry in Idaho has brought added long-term stability and increased employment to my State. These successes result from the quality of our product, and the efficiency with which it is produced and marketed. Why should those who have achieved efficient production of a quality food product be subjected to controls they do not want?

Idaho producers are acutely aware, of course, that the market price for potatoes is currently down. They share the concern over low prices now being expressed throughout the industry. But they know that sharp fluctuations in potato prices are not new. The industry has experienced poor years before, and has survived and expanded. Because potatoes are not readily stored from season to season, production has proved sensitive to price changes. In fact, the March 1 planting intentions report, released on March 18 by the Department of Agriculture, indicates that Idaho growers intend to plant 11 percent fewer acres this year than last. A drop of 5 percent in nationwide plantings of late summer and fall potatoes is indicated in the same report. The position of most Idaho growers is that the industry should be given a chance to make its own adjustments. They are willing to do their part, and they think it would be as unwise as it is unwarranted to institute an acreage control program, simply because potato prices are currently down. Certainly extensive controls should not be resorted to, unless the present depressed prices persist, and lesser measures to counteract them prove to be ineffectual.

Mr. President, with enormous quantities of wheat and feed grains already in storage, with a new surplus of dairy products now reappearing, and with failing farm programs on our hands which cry out for correction, this is no time to launch a new control program on a commodity not proved to be in chronic surplus, and as to which there is widespread disagreement on the need for controls at all.

I recognize that both the acreage control bills and the proposed national marketing order on potatoes are being offered in response to the initiative of the National Potato Council. I grant that Idaho has been outvoted in the councils of the industry, but Idaho's case is right nonetheless. The need for volume controls has not yet been established, nor can it be on so short a testing as one bad year.

It may be up to the potato growers themselves, in their own referendum, to reject the proposed national marketing order, but it is up to this session of Congress to reject the acreage control bills. They have been introduced in good faith, of course, by sponsors who believe that acreage controls will promote greater price stability. But I submit, Mr. President, that the imposition of a straitjacket upon the potato growers of the Nation could frustrate the processes of the free market to the detriment of all. Further growth will be denied the areas of naturally good production, while little more than poverty will be preserved in the areas of naturally poor production. Should such a potion ever have to be administered to a sick patient, it should be withheld until the last extremity.

So, Mr. President, I am obliged to say once again that I will oppose potato control legislation in this session of the Congress, regardless of what position the Department of Agriculture may take on the pending bills. I will oppose their passage in every way open to me, with all the strength I can muster, in company with every ally I can secure, and I will do so in the conviction that my stand is right—as right for the country as it is right for the State for which I am proud to speak in this forum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. JOHNSTON. Mr. President, the attempt in the Senate, by advocates of Federal literacy voting legislation, to bypass the committee procedures of the Senate is an unwarranted assault against sound representative legislative government. If the advocates of this disruption of normal Senate processes are successful, the legislative processes of the American Government, particularly those of the U.S. Senate, will be scarred for generations to come.

I feel sure that even those who are pressing this maneuver must have deep inside their hearts some concern for the consequences of such assaults upon the time-proven senatorial procedures.

Each time the Members of the Senate rally behind irresponsible requests to bypass the committees of the Senate and the ordinary processes of the Senate, they help chip away a little bit of the foundations of our Government. If continued indefinitely, such procedure could eventually completely destroy the committee processes of the Senate. Without the help of Senate committees, some day this Nation would see irresponsible, loosely worded, poorly written legislation enacted into law. If the committees of the Senate did not have a voice in the measures passed by the Senate, the consequences to the American people would be tragic and costly.

No Member of the U.S. Senate is so wise and so learned that he can judge on the floor of the Senate the good and the bad of every bill that is dropped into the hopper. The committee process is a sound means by which the duly constituted Senate committees can investigate, through hearings and other means, all proposals coming to the Senate, and then can compile complete reports on such measures. With such information available, each Member of the Senate can wisely cast his vote, after judging the issues or the legislation on the basis of the merits, not on the basis of emotion.

When the Senate acts, as it is being asked to do in this case, without the benefit of committee hearings and reports, both minority and majority, then it acts unwisely and decreases its value as an instrument of the people. Congress is charged with the duty of enacting into law measures for the good of our country, and we can only judge on the basis of the facts the good of any proposal coming before us. Wild charges, pressures brought by special-interest organizations, irresponsible editorials, or questionable articles and reports concerning such issues cannot be the foundations for Senate action.

I am disappointed and concerned at some of the comments made by some Members of the Senate regarding the proposal now before us. I have in mind particularly those who have brought into this debate the race issue. In the serious business of legislating voting requirements, there is no place for racial issues, religious issues, or any other issue dealing with emotions and prejudices.

The issue before us is whether we are to destroy one of the legislative processes of the Senate, in order to destroy the constitutional right of each State to set its own voting requirements, and in order to set over the elections a Federal police state.

The emotional race issue is dragged in as a smokescreen for the purpose of hiding the unconstitutionality of the proposed law.

Those who would drag the race issue into this debate over voting requirements and States rights questions are not helping the Senate solve anything, but are attempting to supplant fact, reason, and logic with emotionalism.

I appeal to the participants in this debate to confine their arguments to the facts. Furthermore, I suggest that in order to get the facts, they should look to the Constitutional Rights Subcommittee of the Senate Judiciary Committee, where we have been holding hearings, and where we were preparing a subcommittee report on this issue, before these impatient Members of the Senate came forward to demand that the Senate act unwisely in haste.

I am not alone in wondering whether proponents of such hasty, unwise, and unwarranted action in the Senate on this particular issue are seeking this means of

rushing this proposal through the Senate because they know that the hearings and the studies of the Constitutional Rights Subcommittee will show conclusively that the proposed legislation establishing a Federal literacy requirement for voting is unconstitutional.

This proposed legislation is unconstitutional; and the proponents seek to have the Senate, for reasons of political expediency, rush this measure through and dump it into the lap of the House of Representatives. But even if it passed the House and were signed by the President, I believe the Supreme Court would cast it out as unconstitutional. I believe that even the present Supreme Court would do that.

Could it be that the conspirators behind the move in the Senate to bypass the Judiciary Committee on this question are out to make political hay? Could it be that they are rushing this matter and are seeking to bypass the Judiciary Committee because they fear that the Senate, once armed with the report of its Constitutional Rights Subcommittee, would realize the unconstitutionality of the proposal and would refuse to pass it?

The legislation now pending before the Senate Judiciary Subcommittee on Constitutional Rights, although labeled a civil rights bill, is really a vicious attack against the control of elections by the individual States.

It is another determined effort by federalist radicals to place all elections under the control of the Federal Government. The proponents of this measure would have the Federal Government force the States to permit every individual to vote regardless of his ability to read, write, and comprehend the candidates and the issues of the day.

In each passing year we see more and more attempts to destroy the foundation of our election system by those who would unconstitutionally legislate away the powers of the individual States. It is my purpose today, in addressing the Senate on this subject, to place before the American people the unquestionable, documented legal and historical background why the Congress cannot constitutionally legislate away from the States the right to control their own elections.

The establishment of reasonable and responsible prerequisites to voting is a State right and a State function. This proposed legislation, which would attempt to impose upon the States a uniform literacy test requirement for voting in Federal elections in all the States, is unquestionably unconstitutional.

In this connection, I read from article I, section 2, of the Constitution of the United States:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors—
>
> They are the voters—
>
> in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I do not see how the English language could make it plainer that it is left to the States to determine the qualifications of voters.

The very title of the bill is misleading, and from every viewpoint there is no just and right argument why the Senate of the United States should not kill this proposal.

Let me read from the proposal now before the Senate:

> That (a) Congress finds that it is essential to our form of government that all qualified citizens have the opportunity to participate in the choice of elected officials.
>
> (b) Congress further finds that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence.

Why was that language put in the bill, when it is proposed that everyone who has passed the sixth grade of school should not be discriminated against in his right to vote? I have not found any State where the law of that State is not general and does not cover everybody in the State, whether the person be man or woman, white or black. All are treated alike.

This bill itself can be said to be comprised of two parts. The first is a preamble that states it to be the finding of Congress that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote, denials which may or may not be based on race or color, and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote.

The Congress would be derelict in endorsing such a proposition in the absence of any justification. There is no proof of this, and, from a legal standpoint, these test requirements in the several States, from their language, apply to all citizens alike, without regard to race or color, and have, therefore, been upheld by the U.S. Supreme Court, which, in numerous cases, has said they are valid so long as they do not discriminate and apply to all alike. These literacy test statutes have been upheld by the Supreme Court without exception, and, as late as 1959, with respect to North Carolina, in *Lassiter* v. *Northampton County Board of Electors* (360 U.S. 45).

The second part of this bill is the operative section, which amends section 131(c)(b) of the Civil Rights Act of 1957 (42 U.S.C. 1971(b)). This provision would add another prohibition in a Federal election against subjecting or attempting to subject any person to the deprivation of the right to vote in any Federal election.

"Deprivation of the right to vote" is defined to "include but shall not be limited to: first, the application to any person of standards or procedures more stringent than are applied to others similarly situated; and, second, the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico."

The proposal under consideration states that the basis of congressional authority for the enactment of such a measure is set forth as the 14th and 15th amendments; article I, section 4, of the Constitution. I shall rely on these provisions of the Constitution to show that this bill is unconstitutional and the Supreme Court cases affirm my position.

A Federal statute attempting to establish a uniform literacy requirement for voting in Federal elections certainly is unconstitutional. The creation of such a qualification for voting would require an amendment to the Constitution of the United States. Of course, we realize that the Constitution provides the method by which the Constitution itself may be amended, and the only way in which it may be amended, and certainly the Congress has no right, by an act, to amend the Constitution. The power was left to the States to determine the qualification of their voters.

Concerning the qualification of voters for U.S. Senators and Representatives in Congress, the Constitution contains the following provisions. I first quote from article I, section 2, clause 1:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I now quote from amendment 17 with reference to election of Senators, and I do so because there are some who have maintained that this, in some way, took away the exclusive right of the States to set the qualifications of the voters. It did not, because the language is simple and clear. I read from the 17th amendment:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of its State legislature.

This is certainly clear language. Certainly we do not deny the right of the States to name the qualifications necessary for the electors of their own State legislatures. It is evident from the above provisions that, although the States may not prescribe the qualifications of voters for Members of Congress as such, the qualifications prescribed by the States for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose.

I would like to point out that most States, according to these provisions of the Constitution, have adopted a literacy test of their own, the State of New York included. The State of New York has a strict literacy test. No mention has ever been made that the State did not have the right to set such qualifications, so long as New York did not discriminate.

It is certainly evident from the provisions which I have quoted that, although the States may not prescribe the qualifications of voters for Members of Congress as such, the qualifications prescribed by the States for electors of the

most numerous branch of their legislatures are adopted by the Constitution for this purpose.

Certainly, I say again, no one argues that any authority, other than the States themselves, has the right to set the qualifications for electors of the most numerous branch of their legislatures.

I want to discuss the last point which I have made. The Supreme Court opinion, in *Ex parte Yarbrough*, reported in 110 U.S. 651, 663, stated as follows:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress of that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.
>
> It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

However, it clearly leaves it to the States; and this is part of the above case cited, Ex parte Yarbrough, supra.

Now, I quote from the 14th amendment, section 2:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

So we see that this section does not take away or in any way deny the right of each State to set the qualifications of voters, but still leaves it in their exclusive jurisdiction to provide the qualifications of voters, and provides some penalty for discrimination but in no way takes away the right of States to set qualifications.

As early as 1898 the U.S. Supreme Court held that the provision of section 244 of the constitution of Mississippi—making the ability to read any section of the Constitution, or to understand it when read, a necessary qualification to a legal voter—does not on its face discriminate between the white and Negro races, and does not amount to a denial of the equal protection of the law secured by the 14th amendment of the Constitution. The constitution of Mississippi and its statutes "do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them." And this is the language of the Supreme Court in the case of *Williams* v. *Mississippi* reported in 170 U.S. 213, 220, and 225.

I quote now from the 15th amendment, because some have maintained that this might have changed or abridged the right of States to the exclusive jurisdiction to name the qualifications of the voters. The 15th amendment, section 1 thereof, reads as follows:

> The right of citizens of the United States to vote shall not be denied by the United States or by any State on account of race, color, or previous condition of servitude.

It says nothing, of course, about a State not having the right to set its own qualifications for its voters and does not take away that right by this provision but only provides that there shall be no discrimination. Of course, if the literacy test provided by the State is the same for all of its voters as stated and is fair, then certainly the States have this right and there is no discrimination. Repeating again the case of Williams against Mississippi, supra, as quoted above, upholding constitutional provisions of the Mississippi statute relative to the literacy test, the court clearly said that since the States have the right under the Constitution to name the qualifications, it has the right to make a literacy test a necessary qualification, the only limitation being that it shall apply to all voters alike, and is valid so long as it does not discriminate.

I quote from section 2 of the 15th amendment:

> The Congress shall have power to enforce this article by appropriate legislation.

The effect of this amendment is beyond any doubt that the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support, and the authority of both the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals—that is, that there shall be no discrimination among the races, and that is all that it seeks to do. It does not in any sense take away the right of suffrage or the right of the States to set the qualifications themselves. *Guinn* v. *United States*, 238 U.S. 347, 326, 366 states:

> No time need be spent on the question of the validity of the literacy test considered along since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

The decision in Guinn against United States, supra, may be summarized by saying that it held that the power was left with the States to determine the qualifications of its voters, and a State may establish a literacy test as a prerequisite for voting provided that such test applies alike to all citizens of the State without discrimination as to race, creed, or color.

As stated previously, practically all the States have followed that case, including States in the North and South, among them the State of New York, as stated above, providing literacy tests. There has never been any contention that a literacy test was not valid as long as it did not discriminate. Certainly the amendments and the court decisions only hold that there shall be no discrimination. None of these provisions take away any of the rights of the States that they have and have always had to determine the qualifications of the voters by the States themselves.

I now quote the Supreme Court on the 14th and 15th amendments:

> The principle laid down in *Guinn* v. *United States*, supra and *Lassiter* v. *Northampton Election Board*, 360 U.S., pages 45 and 50, as follows (and I might point out that this case is as recent as 1959), the Court said as follows:
>
> "We come then to the question whether a State may consistently with 14th and 17th amendments apply a literacy test to all voters irrespective of race or color." The Court in *Guinn* v. *United States*, supra, on page 366, disposed of the question in a few words, "no time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

Continuing quoting from the Court:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised.

Cited in support of this is the case of *Pope* v. *Williams*, reported in 193 U.S. on pages 621, 633: *Mason* v. *Missouri*, reported in 179 U.S. on pages 328, 335.

Absent of course the discrimination which the Constitution condemns. Article 1, section 2 of the Constitution in its provision for the election of Members in the House of Representatives and the 17th amendment in its provision of Senators provide that officials will be chosen by the people. Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the legislature."

No one denies the right of the States to name the qualifications of the members of its legislature. And this quoting from the Supreme Court stating again that in interpreting the above-named sections of the Constitution that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Quoting further from the Supreme Court:

> So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Albright*, 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.

This is quoting still from the Supreme Court in which it says "see *United States* v. *Classic*, 313 U.S. 299, 315"; and I say

now again showing that the only power that Congress has is to pass legislation to see that these qualifications are not discriminatory, and as long as they are not the State has the right to state the qualifications of its voters, applying the same to all of its citizens, this letter being the only restriction.

Further quoting from the Court in this case:

We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters—

I thought that some of them were among the most intelligent of all voters. They were not educated. Some did not have even a sixth grade education—

yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

This is also from the Supreme Court. We say, of course, again that certainly States have the right to provide the qualifications according to residents' age, and so forth. As the Court has said, it also has the right to state the literacy requirements according to its standards for all voters within the State, and Congress under the Constitution and these decisions of the Court certainly have no right constitutionally to take away that right from the States or to say that the States would no have the right themselves to state what these lieracy qualifications should be in each State.

Continuing quoting from the Court:

Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face. (Citing *Davis* v. *Schnell*, quoted in 336 U.S. 933.)

Further quoting:

The great discretion it (the legislation) vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springs for the citizen.

I maintain again that the 15th amendment provides only that there will be no discrimination as to race, creed, or color, and so forth. It in no way touched on the question of the right of the States to name the qualifications for its voters as long as there was no discrimination and so by this constitutional amendment the right of the States to name the qualifications of its voters remains with the State alone.

We may summarize Lassiter against Northampton County Board of Elections, supra, to affirm the principle that the application of a literacy test by a State as a qualification for voting is consistent with State power under the 14th and 17th amendments if applied to all voters alike, irrespective of race or color; and if such requirement is not unfair on its face and does not show an intent to effectuate discrimination, it is not violative of the 15th amendment.

ARTICLE 1, SECTION 4, CLAUSE 1 OF THE CONSTITUTION

We have seen from the aforementioned decisions that a State statute providing literacy as a qualification for voting in a Federal election is not only valid but actually derives its validity from article 1, section 2, clause 1, supra, and from the 17th amendment, supra, the provisions of which give recognition to the fact that the States may set requisites for electors of the most numerous branch of the State legislature by adoption of the requisites for electors of U.S. Senators and Representatives.

I can imagine what the Legislature of New York must have thought at the time it set forth the educational qualifications for voting. It must have believed, and I believe the Supreme Court of the United States would so decide, that New York had the right to establish qualifications for its voters.

We come now to the effect which article 1, section 4, clause 1 of the Constitution may have upon the question.

The Constitution provides in clause 1 of section 4, of article 1, as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The language is qualified as to the time, place, and manner of holding elections. Nothing is said about the qualifications established by the State; the State has the right to set them.

The case of *Ex parte Clarke* (100 U.S. 399), decided in 1879, involved the constitutional power of Congress to enact a law for punishing a State officer of election for the violation of his duty under a State statute in reference to an election of a Representative to Congress. The Court held that Congress did have this power. This type of statute was considered as covering the "manner of holding" an election.

The case did not involve the qualification of voters. However, Justice Field, in the dissenting opinion, does speak about qualifications of voters and makes the following comment on pages 418–419:

Quoting Justice Field:

The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualifications of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race. And whatever regulations Congress may prescribe as to the manner of holding the election for Representatives must be so framed as to leave the election of State officers free, otherwise they cannot be maintained. In one of the numbers of the Federalist, Alexander Hamilton, in defending the adoption of this clause in the Constitution, used this language: "Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment."

The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of Representatives.

It is apparent from Justice Field's comments that this provision of article I, giving Congress the power to alter such regulations of the times and "manner of holding elections for Senators and Representatives," does not apply to qualifications for voting. It would seem that if the Constitutional Convention had intended section 4 of article I, to authorize Federal legislation concerning qualification of voters, then such intent must have been to nullify, by section 4, the power over qualifications of voters which it had just left with the States in section 2 of the same article I. It is difficult to attribute such a motive to that body. Thus, since it is a most fundamental principle of our constitutional jurisprudence that "all the provisions of the Constitution are equally binding upon Congress"—and I have here quoted from Willoughby on the Constitution of the United States, volume 1, page 493—it must be assumed that section 4 of article I means no more than what it says and applies only to the manner of holding elections, leaving the coverage of the qualification of electors to section 2 of said article, which leaves it to the exclusive jurisdiction of the States and to the States only, and not to Congress.

By what authority, then, can Congress enact legislation concerning such qualifications? Clearly, Congress has no such power; and to acquire it would require a constitutional amendment by means of the method set forth in the Constitution itself. And certainly it cannot be amended by act of Congress of the United States, as attempted in this measure.

In further discussing the unconstitutionality and illegality of the attempt by means of this measure to usurp the constitutional rights of the States and in making the following remarks, I shall

make some reference to an editorial which appeared in the Wall Street Journal on January 30, 1962, and which later appeared in its entirety in the CONGRESSIONAL RECORD. The editor states that now he possesses an official certificate—his voting certificate—from the State of New York, testifying that he can read; and he goes on to state that New York requires every voter to be able to read the English language; and strangers within its gates are required to show such proof, by taking a literacy test provided by the New York Legislature, according to the needs of the people of the State of New York. However, now, we are being told by a number of political leaders that it is a wicked thing to provide a literacy test as a requisite for voting. This, of course, is but another of the series of attempts—all of them made in the name of "civil rights"—to challenge any and all requirements for voting—among them a literacy test—which the Constitution allows the several States to establish.

Of course, the immediate cause of this latest attack on literacy requirements is the unhappy fact that among some minority groups there is widespread illiteracy. Many Puerto Ricans—there are very few in my State—cannot speak English, much less read it. And as any Army recruiting officer can testify, many Americans cannot read their native tongue well enough to be able to understand even the simplest instructions.

If we study the statistics in connection with those who have been rejected for service in the Armed Forces, we find that is true.

However, the politicians realize that all these add up to many potential voters who would be grateful to the politician who won them the voting privilege, regardless of whether such voters understood for whom they voted, for what they voted, or why. Therefore, we contend that the proponents—and certainly those who are lawyers—know that it would be unconstitutional to deprive the States of their right to establish the qualifications of voters.

Accordingly, each State must determine the test needed for that particular State, just as it must determine the age, residence, and other requirements.

I do not know how this matter is handled in New York; but certainly many of those who come from Puerto Rico do not pass the sixth grade. So I suppose that in New York they are not allowed to vote.

According to all the decisions of the Supreme Court of the United States from which I have quoted, such literacy tests have been upheld numerous times by the Supreme Court as valid requisites for voting. Each State must set its own standards and qualifications for voting, but it must be sure that those who vote can intelligently vote and can cast their own ballots. Certainly it is not charged here that any of these standards are discriminatory. But it seems clear to us that legislation similar to this measure would constitute a means for controlling the votes of ignorant persons whose true wishes would be ignored. Furthermore, they would not know how they were voting, for whom they were voting, or why. Certain politicians have said that in this manner they control large numbers of votes.

Mr. President, this measure would be unfair to responsible voters; under it, the votes of the morons, the illiterate, the ignorant, and those who contribute nothing to the commonwealth would be given weight equal to that of the votes of the literate, the educated, the intelligent, and the informed. Certainly that would not make for good government. It would mean that politicians could control many ballots. Therefore, our forefathers provided in the Constitution that the States would have the right to set their own voter qualifications.

Mr. President, I state flatly that if the pending measure had been offered at the time when the Constitution was proposed to the Thirteen Original States, there would not today be a United States or a Constitution of the United States. If Senators will read the papers written at that time, when the formation of the United States was in process, they will find that what I say is absolutely correct.

However, Mr. President, as I have pointed out, some politicians would attempt to control by means of this measure or one similar to it.

But the Supreme Court has wisely seen fit in all its decisions to uphold the validity of the literacy tests of each State, so long as they do not discriminate on the basis of race, creed, or religion. Certainly the States have the right to provide that those who vote within their borders must be able to vote intelligently.

At this point, let me ask a question: Even assuming that this measure were enacted into law, would not all of the prior rulings of the Supreme Court to the effect that only the States have the right to provide for the qualifications of voters still be in effect? In other words, under the Constitution would not the States continue to have that right? Certainly this measure, even if it were enacted, could not take away the rights the States have under the Constitution. And certainly the Constitution gives the States the right to provide the qualifications of voters. In fact, under this constitutional right the States can provide that only those who are intelligent shall be allowed to vote.

Furthermore, it is equally clear that none of those who propose such legislation would deny that each State has a right to state what age a person must be before he is qualified to vote.

But, Mr. President, if this measure were enacted into law, is it not possible that thereafter Congress could specify the age requisite for voting? In my State that age is 21 years; in Georgia, it is 18 years. But if the pending measure were enacted into law, could not the Federal Government thereafter provide—equally well—the age requisite for voting, in addition to providing the other qualifications for voters? In that case, what would happen?

Mr. President, it seems that Congress is gradually giving the Federal Government more and more power to regulate elections in the United States.

In line with the argument of the proponents, would not it then be possible for Congress to pass a bill, which would apply to all States, providing that children 10 years of age could vote?

Although few children 10 or 11 years of age have completed the sixth grade of school, yet a law permitting alert boys and girls of that age to vote certainly would make as much sense as the law now proposed. And perhaps many children 10 years of age could vote more intelligently than those who are illiterate, who cannot understand the English language as it is written, and who therefore in their voting would not make for good government.

As I say again, constitutionally these qualifications are left to the States. The Supreme Court has upheld the validity of each State in these literacy tests so long as they do not discriminate. Now, society, certainly in this view, must be permitted to protect itself with even the most rudimentary rules to make voting a privilege of those who have at least an elemental understanding of, and make some contribution to, the society in which they are privileged to live. As I say again, some of these references are to the editorial as aforementioned.

It would be fruitless to remind those of this persuasion that the American experiment owes its success to the wisdom of those who, in drawing its basic Constitution, known the dependence of democracy upon a responsible citizenry and wrote in many more voting restrictions than we today would dream of. The reminder would not be persuasive because, among those people, traditional wisdom is hooted at.

They all want the ignorant to vote. They might as well say that the children shall vote, that anyone can vote; therefore, if there are restrictions placed on voting, these literacy tests, I say again, have been upheld by the Supreme Court on all occasions.

I fear, too, if the proposal becomes law, knowing the conditions in my State, many persons in South Carolina who now vote will not be able to vote, because they do not have a sixth grade education. That is something to give thought to.

Another requisite for voting which is guaranteed the States by the Constitution is the requirement of residence for a certain length of time. This requirement is not being attacked, yet. However, I am sure that if the forces behind this proposed bill are successful in this endeavor, they will be knocking at the Senate door to do away with residency and other State imposed prerequisites to voting.

They will probably soon be knocking at the door to make all qualifications uniform throughout the United States.

Indeed, they will probably want to clear the decks of all prerequisites to voting and allow anyone to vote regardless of how unqualified he is to judge the issues and regardless of how unable he is to reason right from wrong.

We shall see all sorts of proposals, from one extreme to another. Proposals will be made which will result in having more voters in one State than in another State.

The reason for the residence requirement is that, even if a person is literate and well educated, certainly he is not in a position to cast a ballot in a locality unless he has been there a sufficient time to understand the issues. Then, why would it be proper not to have the States establish adequate literacy tests to be sure that those who vote know for whom they are voting and why they are voting? That, again I say, is why the Constitution guarantees the right of the States to set the qualifications, among them age, residence, and literacy, which have all been upheld by the Supreme Court. And, as the editor in the Wall Street Journal said, to cast a ballot is a proud thing, and as a nation we ought to work hard to make the best government possible for all. But the way to do it is to lift up the underprivileged, and not to heed those who would debase the privilege.

For the reason that the Constitution guarantees that each State deciding according to its own needs, legislates the necessary age and residence requirements, and necessary prohibitions for those who have been convicted of certain crimes, it must then necessarily follow that each State, according to its own needs, has the guarantee under the Constitution to set, and must set, its literacy requirements, so long as it applies to all citizens of the State alike. The proponents of this bill do not contend there is any distinction between the rights of States to provide age and residence requirements; nor do they contend that Congress could pass a uniform age and residence voting bill. What is the difference?

Also, we know that it is elementary that any rights not reserved to the Federal Government are left to the States. In this instance we go further, because voting qualifications for States are guaranteed to the States by the Constitution; and, therefore, the rights can only be taken away from the States by constitutional amendment, and not by act of Congress as is proposed here today.

The argument that the term "manner" is a source of authority for the provision in the bill is thus found to be without substance. There is a clear distinction in the Constitution as between power to regulate the manner of holding Federal elections and regulation of the qualifications requisite for voting at such elections. The one authority is found in article I, section 4, clause 1, and is separately allocated from article I, section 2, clause 1, and from the 17th amendment. "Manner" refers to the mode of voting, the method by which eligible or qualified voters' choices are expressed and determined.

The difference between the power to regulate the "manner" of Federal elections and the qualifications of voters thereat is as wide as the difference between determining "how" and "who." By no stretch of the imagination can the "how" of voting be deemed to encompass the "who."

All of the Supreme Court opinions in which the Court interfered in elections dealt with fraud, corruption, and preventing someone qualified from voting. In fact, the most extreme definition of the scope of the power to regulate the manner of holding Federal elections, that pronounced in Ex Parte Siebold in 1880, did not include extension of the authority over voters' qualifications. The Court, at page 396, in discussing the scope of power that Congress might exercise if it were, under article I, section 4, to assume the entire control and regulation of the election of Representatives, stated:

> This would necessarily involve the appointment of places for holding the polls, the times of voting, and the officials for holding the election; it would require the regulation of the duties to be performed, the custody of the ballots, the mode of ascertaining the results.

And so forth. I have cited several cases in which the Court interfered with reference to the manner of holding elections. I have cited numerous cases, including one as recent as 1959, showing that the Court has always upheld the right of the States to determine voters' qualifications; and in both lines of cases—those on the "manner" and those dealing with qualifications—the Court has always distinguished between the manner of holding elections and the qualifications of voters, and has said in all of these decisions that while the manner of holding elections may be determined by an arm of the Federal Government that the qualifications of the voters, according to the Constitution, rest solely and exclusively with the States.

The strength of our system is rooted in a balanced, divided, and limited Government; and thus far the States, according to the Constitution of the United States and sanctioned by the Supreme Court, have exercised their power to determine voter qualifications on a nondiscriminatory basis, in accordance with the wishes of their own citizens, not as directed from Washington, D.C. These qualifications have served for electors of Representatives and Senators as well.

This method of prescribing qualifications was an essential element of our original conception of a balanced, divided, and limited Government. The same principles guide us today. But if the balance of the system is weakend, the division eased, and the limitations—provided for in the Constitution—on the National Government removed, the necessity of reliance on persuasion and compromise will be also minimized and can easily be replaced by reliance on other agents such as force.

Proponents of this amendment say that action by means of a statute is all that is necessary to achieve what is really general regulation over voter qualifications. Yet, most of these same Senators in 1960 voted to approve a constitutional amendment prohibiting the imposition of a poll tax as a condition for voting in Federal elections. A poll tax determines eligibility to vote. It is a voter qualification factor, like a literacy test. Now, is it then true that those who now assert that voter qualifications can be regulated by Congress by statute were of the opinion 2 years ago that the proper vehicle for this was a constitutional amendment? Why have they changed their position? Because of the clear constitutional question presented the only proper course then to follow is the procedure of constitutional amendment in establishing uniform literacy requirements for Federal elections.

While I must admit it would be legal to establish a so-called uniform Federal literacy requirement for voting by adopting a constitutional amendment to this effect, I say it not only would be wrong, but it would be clearly contradictory to the original understanding reached by the various States when they adopted the Constitution.

It should be remembered that many States hesitated a long time before they ratified the Constitution. The reason was that they felt the Constitution did not guarantee strongly enough these rights to the States and did not guarantee enough rights to the individual States. We should not now justify this hesitancy by destroying what was guaranteed in the Constitution.

Mr. President, some very interesting historical background is given on this subject in a volume entitled "Introduction to American Government," by Frederic A. Ogg and P. Orman Ray. I earnestly urge Senators to read this volume. In the chapter entitled "The People as Voters," these gentlemen write as follows:

> The makers of the National Constitution might easily have provided for a uniform national suffrage, distinct from the suffrage systems existing in the several States, as did the authors of the Constitution of the federally organized German empire created in 1867–71. But they chose, as did the framers of the Constitution of the Swiss confederation, to utilize for national purposes such electoral arrangements as each State had made, or might subsequently make, for its own use; and hence, until 1870, the Constitution's sole provision on the subject was that persons voting for Members of the lower House of Congress should, in each State, have "the qualifications requisite for electors of the most numerous branch of the State legislature." The 15th amendment, adopted in the year mentioned, imposed the first direct constitutional restraint upon the States in this matter by forbidding any State (or the United States) to deny or abridge the "right" of citizens of the United States to vote "on account of race, color, or previous condition of servitude." The 19th amendment, adopted in 1920, laid a further restriction by forbidding any State (or the United States) to deny or abridge the "right" to vote "on account of sex." Limited only by these restraints, every State, in its constitution and laws, regulates suffrage qualifications as it desires. The two amendments tend to produce uniformity as far as they go; and their effects—especially in the case of the woman suffrage amendment—have been far reaching. Plenty of room is left, however, for variation, and hardly any two States will be found with precisely the same arrangements.

Mr. President, from this as well as other facts that I have brought out in this debate, it is necessarily correct to conclude that suffrage or the right to vote in the United States is a privilege rather than a right. Going further, it is clear that the States are empowered by the Constitution, not by accident, but deliberately, to establish prerequisites for voting so long as these requirements do

not violate the Constitution and the amendments thereto covering race, color, and sex.

Literacy qualifications for voting are not in the realm of race, color, previous conditions of servitude, or sex, and attempts by the Members of this body and outsiders to prove otherwise are illogical, incorrect, and impossible. There is no proof available to the proponents of the pending action in the Senate to show that literacy requirements deprive anybody of the right to vote because of his race, color, or sex, and they have not come forth with any proof to show that the Federal Government has any constitutional right to even go into this question.

As I have pointed out, the very men who wrote the Constitution and who urged the confederation of the various States, insisted that the individual States retain the right to establish voting prerequisites and insisted, too, that the Federal Government be excluded from these rights by the Constitution. Therefore, any attempt to take away this right from the States either by constitutional amendment or by this legislative ravishing process would not be extending any freedom to any citizen of our land, but to the contrary would be giving another control over our people by distant, cold Federal regulation.

Another foundation block of our Republic will have been removed and the erosive process conducive to the destruction of our democracy will be stimulated. I earnestly request that each Member of the Senate think hard and long on this matter before they decide to vote. I ask them to read and study the pages of history and the court decisions and the reason which makes it legally prohibitive to take this power away from our States, or to try to take it away.

The U.S. Senate will be digging its own grave if it insists upon bypassing the Judiciary Committee and disrupting the normal procedures of this body. This method of writing legislation is a bad habit, and the more the Senate practices this bad habit, the more it will become a routine of the U.S. Senate.

If the Senate adopts as a routine procedure the bypassing of committees, it will eventually degenerate itself into nothing more than a rubber stamp for the emotional demands of a temporary majority.

These wreckers of legislative processes are bent on forcing the people of the United States to comply with their emotional demands of the moment.

The only thing that has kept the Senate from becoming a tool of dictatorial tyranny has been the power of the individual committee.

The committee processes of the Senate give men time to reason.

The committee processes of the Senate give the people a chance to be heard above the roar of political orators, newspaper columnists, and editorial writers.

The committee processes of the Senate bring facts to the surface above the rubble of illogical, hysterical, and unfounded claims.

The committee processes of the Senate protect our Constitution from assault, and our people from irresponsible legislation.

The committees of the U.S. Senate are the backbone of this great representative body of the people. When we break down the committee processes of the Senate, we are breaking down the backbone of the Senate.

With every ounce of sincerity at my command, I plead with the Members of the Senate to restrain themselves from delivering such a fatal blow to our legislative processes. Let us not weaken the U.S. Senate to the point that it will be managed by passions of the moment. Let us preserve the Senate as a fountainhead of logical, deliberative action, always based on facts. Let us put a stop, once and for all, to these attacks against the foundation of our system of handling the business of the people.

I hope the Senate will refuse to bypass the Judiciary Committee. I hope the Senate will insist that the hearings we have held, the information we have gathered, and the facts we have assembled, be made available through the committee report before any action is taken on the pending measure.

Let us not be rushed into this matter by those who are fearful of the facts and who do not want the unconstitutionality of the measure they are sponsoring to be known.

So I ask the Senators please to stop, look, listen, and read the Supreme Court reports and the report from the committee when it comes to us. Then the Senate will be in a better position to do what is right and just for the people of our Nation.

I ask unanimous consent to have printed at this point in my remarks an outstanding editorial entitled "Altar of Mediocrity Beckons Our Liberty," from the Spartanburg Herald of Spartanburg, S.C., issue of April 25.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALTAR OF MEDIOCRITY BECKONS OUR LIBERTY

If responsible self-government should ever expire, it surely will be on the altar of mediocrity.

For it is to the mediocre that major political strategy is directed.

It is the target for such cynical vote-wooing projects as the one now launched by Attorney General Robert Kennedy.

He has set his plan to evade the Constitution of the United States for Federal invasion of voting qualifications.

Under the U.S. Constitution, the Federal Government has absolutely no privilege of stipulating standards of literacy for voting. The only legitimate method of the national level is through formal amendment of the Constitution itself.

The Attorney General has proposed legislation that would establish a sixth-grade education as unquestionable proof of voting literacy.

Bosh!

Aside from the legal and moral question of denying the legitimacy of the Constitution, Mr. Kennedy's plan is misnamed. He advocates voting illiteracy, not literacy.

This Nation and its freedom would be much better protected with stiffer standards for people who make the decisions affecting the safety and welfare of all.

It would make more sense to establish a high school diploma as a prerequisite for voting. We put a high premium on knowledge and education in this country, except in the most crucial field of all, self-government.

But, you protest, there are a great many responsible and intelligent people who never finished high school. Right. And many of them are better educated than their college brethren. They would be proud to prove the fact by a reasonable examination.

Appeal to ignorance is the shortest road to socialism and suppression of man's liberty. It's the same force which, on the international level, threatens to subordinate this Nation's mandate to the emerging neutral countries that have not yet abandoned barbarism.

Some time or another—if freedom is to survive—the appeal has to be intelligence and responsibility.

It's time to stop apologizing for superiority and to erase from it the false stigma of bigotry.

Mr. JOHNSTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Destroyers of Republic," published in the News and Courier of Charleston, S.C., issue of April 25, 1962.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DESTROYERS OF REPUBLIC

Another big push against the Republic is underway in Washington. Campaigners to destroy the role of the States as devised by the Constitution are urging Congress to change the laws governing elections. They would outlaw literacy tests to qualify voters, and substitute a sixth-grade certificate as the gage of competence.

Whether a sixth-grade certificate is sufficient guarantee of competence to vote is beside the point. The point, as we see it, is the authority to set up voting standards.

The Constitution gives that authority to the States, not the Federal Government. If the Federal Government, by putting on a combined drive through executive, legislative, and judicial branches, can change the Constitution without the prescribed process of amendment, it can take away any or all of the guarantees in that charter of the people's freedom.

Passage and enforcement of literacy legislation now before Congress would gather the reins of power more closely than ever in Washington. Subsequent legislation could abolish any or all requirements for voter qualification. Should another administration prefer to narrow rather than broaden the franchise, it could be restricted to holders of a Harvard Ph. D. or its "equivalent."

The notion has spread that States rights is an obsession of southerners, because Southern States invoked these rights by the act of secession. The issue, we are told, was solved by the Civil War, in which superior force overcame the South.

The war by no means settled all issues. The war settled, for that time at least, the issue of secession. States may not leave the Union on peril of destruction. But within the Union, States—and the citizens who dwell therein—do have other rights and powers. One of the fundamental rights is the operation of elections. By amendment, the people extended the franchise to women. They did not extend the franchise to illiterates.

The threat of filibuster comes in large measure from southern Senators. But this is no regional matter. It concerns all the people in all the States.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. STENNIS. I highly commend the Senator from South Carolina for a very fine speech. I have listened to every bit of it, except for the brief parts which I missed when I was called to the telephone. His speech contains cogent legal points, sound logic, and a very practical application of the legal points cited. He has performed a real service in addressing himself to the highly important measure now before the Senate. I also appreciate the fact that he was able to make a special trip to the Capitol today in response to the situation and argue against the bill. I commend him most highly.

Mr. JOHNSTON. I thank the Senator from Mississippi for his remarks. I am glad to be present and play the part that I am playing in relation to the pending measure. I hope that some good may result from my appearance.

My only hope is that the lawyers in the Senate, especially, will read the Supreme Court decisions and study the issue. If they do so, I cannot fail to see how they can come to any other conclusion but the one that I have reached; namely, that the proposed legislation is unconstitutional.

Mr. STENNIS. I believe that the Senator's arguments are unanswerable from a legal standpoint, and will do much good. I appreciate his presentation of these points to the Senate.

Mr. JOHNSTON. I thank the Senator.

FOREIGN TRAVEL FOR MILITARY DEPENDENTS

During the delivery of Mr. JOHNSTON's speech,

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. ROBERTSON. Will the Senator be good enough to ask unanimous consent that he may yield to me for the purpose of making an insertion in the RECORD, without losing his right to the floor, and without the interruption being considered as evidencing an additional speech when the Senator resumes?

Mr. JOHNSTON. I yield for that purpose if I may have unanimous consent that the interruption will not cause me to lose my right to the floor, and that the resumption of my speech will not be counted as a second speech.

Mr. JAVITS. Mr. President, reserving the right to object—and, of course, I shall not object, since this is the week that we are not objecting—I should like to point out that we do not want this instance necessarily to indicate a permanent precedent throughout the debate.

Mr. JOHNSTON. I request also that the statement of the Senator from Virginia be placed at the end of my statement.

Mr. ROBERTSON. Of course.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which I made during a hearing before the Senate Appropriations Subcommittee on Defense on March 24 concerning the sending of dependents overseas, which was authorized yesterday by the Secretary of Defense.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR A. WILLIS ROBERTSON, ACTING CHAIRMAN, APPROPRIATIONS SUBCOMMITTEE ON DEFENSE, CONCERNING FOREIGN TRAVEL FOR MILITARY DEPENDENTS, MARCH 28, 1962

At a previous hearing, the Army's Deputy Chief of Staff for Personnel testified that the ban on oversea travel of dependents was hurting the morale of the troops.

From various sources we have also heard that continuation of the ban is tied directly to efforts to protect our dwindling gold supplies. This is reported to be the administration's attitude, although the Secretary of Defense told the House Appropriations Subcommittee early last month that the outflow of gold had nothing to do with the ban.

My own belief is and always has been that the safety of the women and children involved should be the prime consideration in this regard.

The original directive issued by the Secretary of Defense last September declared:

"The suspension covers all means of travel and is necessary because of the logistic requirements incident to the augmentation of our forces in Europe."

This augmentation of our forces now has been completed, so the original purpose of the ban no longer applies.

I therefore requested the chairman of the House subcommittee to approve in the pending appropriations bill the amount to finance foreign travel for dependents on the same basis prevailing prior to the imposition of the travel ban. I inquired of the Department of Defense how much would be required for that purpose.

I wish to insert in the record at this point a letter of March 26 from Hon. Charles J. Hitch, Assistant Secretary of Defense, Comptroller, stating that there was in the budget submitted to us an amount sufficient to finance dependents' travel overseas.

I also wish to insert a letter of March 24 sent to me by the Secretary of Defense stating his present position on continuation of the travel ban.

I hope that this committee and the Congress will appropriate a sum sufficient to finance a resumption of dependents travel abroad as soon as the threat of armed conflict, imminent when the ban was imposed, no longer exists.

Aside from the travel ban, dependents already overseas have been urged by the administration to curtail to the maximum extent possible their expenditure of American dollars. No such restrictions apply to our tourists abroad, to the Members of Congress, or to various representatives of the executive branch, either stationed abroad or traveling there. While there is nothing that this committee can do directly about this, I believe as a matter of equity that the Military Establishment should be put on an equal footing with all others of our nationals abroad and should not be singled out to bear the burden of austerity alone.

THE SECRETARY OF DEFENSE,
Washington, D.C., March 24, 1962.

Hon. A. WILLIS ROBERTSON,
U.S. Senate.

DEAR SENATOR ROBERTSON: This is in response to your letter of March 14, 1962, in which you requested my comment on the accuracy of your statement that "* * * the principal reason for the ban on sending dependents abroad was our inability to safely evacuate them in the event of open hostilities."

On September 9, 1961, when we suspended Government-sponsored movement of dependents to Europe, we faced a logistics problem in achieving the desired buildup of forces in Europe as quickly as possible. Military needs had to be given priority over the further movement of dependents. Moreover, as you will recall from our conversations and correspondence at the time, we were quite concerned about the problem which would arise if events should make withdrawal of all dependents from the theater urgently necessary. The suspension met the immediate military problem, and insofar as it inhibited further growth of the dependent population in Europe, it was a prudent precaution against aggravation of the evacuation problem.

I would not describe the problem of evacuation of dependents in certain contingencies as the principal reason for the ban. You are correct in identifying it as one of the important factors influencing the decision. We have continued to be concerned with our ability to act expeditiously in various situations and in the intervening time extensive studies of both the problem and our capabilities have been in progress.

The situation, of course, has changed since September. The planned augmentation of forces has been completed. The blanket effect of the suspension, which was a tolerable hardship to our service families on a short-term basis, now is generating very serious personnel problems for the Armed Forces. At the same time, the need to exercise controls on the magnitude of the dependent population overseas has not diminished. As the President's comments indicated, the critical status of our balance of payments requires us to take any measures we can without reducing our combat capability, to limit the sources of adverse gold flow.

We recognize that the suspension must be supplanted by policies which are more responsive to the human needs of our personnel. We intend that these policies will accomplish some reduction of the dependent population in Europe without exacting unreasonable sacrifices by the individual service families. Our studies now have progressed to the determination of concrete steps which we hope to announce in the very near future.

Sincerely,

ROBERT S. MCNAMARA.

HOUSTON SCIENTISTS MAKE PROGRESS IN CANCER RESEARCH

Mr. YARBOROUGH. Mr. President, the effort of medical science to combat cancer is one of the most persistent and most noble efforts of our time.

The struggle for breakthroughs in knowledge goes on day and night in laboratories all over the country. In an editorial, Wednesday, April 18, 1962, the Houston Post discussed the work of one team of Houston scientists and the problems they face.

I ask unanimous consent to have printed in the RECORD an editorial entitled "Cancer Fight Advance," published in the Houston, Tex., Post of April 18, 1962. The editorial points out many of the great difficulties facing researchers in this field. I heard some of them testify before the Public Health Subcommittee, of which the distinguished senior Senator from Alabama

[Mr. HILL] is chairman. The appropriations for research have been stepped up year by year in the fight to lift the burden of this scourge from mankind. The research carried on at Baylor University College of Medicine, which is detailed in the editorial, is in support of a theory first advanced there and now accepted by many scientists, to the effect that viruses which infect human beings can cause at least some types of cancer, and that appropriate preventive vaccines can be developed.

I do not mean to say that they are trying to prove that theory. They are approaching this problem in a true scientific manner, in trying to determine whether that theory is true.

This very perceptive editorial, which seems to have been written by a scientific writer, describes in language readily understandable by nonscientists the progress which has been made by this group of scientists.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CANCER FIGHT ADVANCE

It will, in all probability, be years or a lifetime before the many causes and then the sure-fire cures and even prevention of cancers are found. Unlike most other afflictions, cancer is not a single disease, but has many forms.

But the work of a team of Houston scientists, reported last week in Atlantic City before the American Association for Cancer Research, is apparently a mighty step in bearing out one major theory:

That viruses that infect human beings can cause at least some cancer and that appropriate preventive vaccines can be developed.

Dr. John Trentin, professor and head of the division of experimental biology at Baylor University College of Medicine, and his collaborator took one form of human adenovirus, a widespread bug that causes acute respiratory infections in people, and produced cancer in hamsters.

The work, called an important discovery by a number of scientists in the field who heard the report, still has a long way to go. Dr. Trentin and others will now head back to their laboratories, and if careful reevaluations and more investigation holds up the initial work—here is the first proven link between human virus and the production of cancer.

Dr. Trentin's approach to the problem was actually a very ingenious one.

Many scientists have found viruses that cause cancer in laboratory animals, and viruses, therefore, have been suspect as a cause of some human cancer. Dr. Leon Dmochowski at the University of Texas M. D. Anderson Hospital and Tumor Institute, first demonstrated the finding of virus-like particles in the blood of a leukemia patient some 5 years ago.

Yet no one has pegged any human virus that would cause cancer in animals or man, and all attempts to isolate tumor-producing viruses from human cancers have failed.

Cancer researchers, who obviously cannot experiment on people, have done the only thing they can. They inject human cancer extracts into cancer-susceptible newborn animals and then try to isolate a human cancer virus from the cancers that develop. Again, there has been no success.

Dr. Trentin, so to speak, turned the telescope around and started looking from the other end.

He started with a common human virus, choosing the adenoviruses because of their similarity to certain viruses which are known to cause animal cancers. He picked the hamster because of its great susceptibility to viruses of other species.

The result: Swift and deadly cancer in the animals.

This does not prove, Dr. Trentin has stressed, that human cancer is caused by a virus. Laboratory animals are not people.

But the virus is a human virus, and Dr. Trentin and his coworkers appear to have opened a door.

PROGRESS IN MAKING FRESH WATER OUT OF SALT WATER

Mr. YARBOROUGH. Mr. President, the rapidly developing Texas gulf coast area, only recently chosen as a homebase for America's astronauts, is also the site of another bold and visionary project—the national effort to achieve an economical conversion of salt water.

The distillation process plant at Freeport, Tex., which is capable of producing a million gallons of useable water a day, is used by the city of Freeport and the Dow Chemical Co.

The plant was opened last year when President John F. Kennedy pushed a button in Washington, and fresh water poured out of that plant. The water had been salt water when it had entered the plant. Vice President LYNDON B. JOHNSON was present; also the Secretary of the Interior, Mr. Udall; the chairman of the Interior and Insular Affairs Committee of the Senate, the Senator from New Mexico [Mr. ANDERSON]; and numerous other Members of the Senate. It was my privilege to be present also. It was a spectacular sight to see water coming out of that plain iron pipe. Cups were handed out and all of us drank of that fresh water. It reminded me of religious pictures I had seen as a boy of Moses striking the rock and water rushing out.

This process is not economically feasible at the present time, but progress is being made every year.

In an editorial published on Thursday, April 12, 1962, the Corpus Christi Caller-Times discussed the importance of this salt water conversion effort to provide more usable water for our growing needs. I ask unanimous consent to have printed in the RECORD the editorial referred to entitled "Salt Water Conversion Hopeful for Gulf Coast."

When this undertaking is made economically feasible, many desert areas of the world will become as productive as many other productive areas, and many people who now go to bed hungry will have an adequate supply of food.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Corpus Christi Caller-Times, Apr. 12, 1962]

SALT WATER CONVERSION HOPEFUL FOR GULF COAST

To many, no doubt, the prospect of massive conversion of sea water, at a cost competitive with fresh water supplies, still seems visionary. To others, especially the experts in the field, that achievement is only a matter of time, of further research and experimentation.

A progress report meeting of 600 delegates at the Department of the Interior recently talked over the Federal pilot projects now in operation. They reported more than a dozen methods now under study, but no breakthrough as yet on the cost problem.

However, J. T. Dunn, reporting on the distillation process plant at Freeport, Tex., expressed confidence that "the time will come in our generation, when saline water conversion plants in the 5 million to 25 million gallons per day capacity will supplement coastal water supplies on a competitive production cost basis." That would indeed make salt water conversion, as Secretary of the Interior Udall evaluates it, one of the most important projects for mankind. And few places in the world would benefit more than the heavily industrializing and populous Tevas gulf coast, much of which can see the limits of its available fresh-water supplies in the not too distant future.

There are two important favorable aspects to the cost factor in the feasibility of salt-water conversion. One is that a new wealth of minerals, extracted in the purification processes, should reduce the net cost of conversion. The other is that additional fresh-water supplies are becoming increasingly expensive to tap, which will narrow the cost gap with converted water.

There is a caution that should be emphasized, however, in discussing salt-water conversion. Optimism on its prospects should not allow complacency that would detract from maximum development of natural fresh-water resources. For success in low-cost conversion is not a certainly, and, in any event, it may not for the foreseeable future be anticipated as more than a supplemental supply, even in coastal areas.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE BY CHIEF JUSTICE WARREN TO JOHN LORD O'BRIAN

Mr. CASE of New Jersey. Mr. President, a short time ago one of the very great men of the American bar, of all time, came to the Supreme Court to move the admission of a junior associate. This became the occasion for a tribute to the man by Chief Justice Warren which I think is unique in our history. I speak, of course, of John Lord O'Brian, a distinguished, widely loved lawyer, who has been a leader in not only the legal affairs of our Nation but also in its public and civic affairs for a very long time. The tribute by the Chief Justice of the United States was warm and eloquent.

I ask unanimous consent to have printed at this point in the RECORD an article entitled "O'Brian's Long Practice Is Praised by Warren" and an editorial entitled "A Half Century at the Bar," both of which relate to the tribute by Chief Justice Warren to John Lord O'Brian and were published in the Washington Post of April 3, 1962.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

O'BRIAN'S LONG PRACTICE IS PRAISED BY WARREN

In one of those human touches that occasionally graces the Supreme Court chambers, Chief Justice Earl Warren took a moment yesterday to pay tribute to John Lord O'Brian.

As O'Brian, a distinguished and widely loved lawyer, approached the bench to move the admission of a young member of his firm, the Chief Justice leaned forward and said, "I am told by our clerk that this is the 50th anniversary of your admission to the bar of this Court."

"That is true, Your Honor," O'Brian replied, "and it has been one of the highest privileges of my life."

Then the Chief Justice added, "Few men in history have had a longer or more active practice before this Court. During all of these years, you have served the Court in the highest sense. I wish for you many more years as a member of our bar and with it continued happiness."

O'Brian, 87, is a senior partner of Covington & Burling. For many of the last 50 years, he has been in and out of Government service and has become noted as a constitutional lawyer and as a stanch defender of civil liberties.

His public career ranges from an appointment by President Franklin Roosevelt as General Counsel of the War Production Board.

In between were stints in the Department of Justice, prosecuting spies for President Woodrow Wilson and trustbusting for President Herbert Hoover.

After the Chief Justice finished his praise, O'Brian concluded his business. It was to get John W. Armagost, one of the Covington's junior members, admitted to practice law.

A HALF CENTURY AT THE BAR

Only a little imagination is required to visualize a host of eminent ghosts hovering about the Supreme Court yesterday when Chief Justice Warren paid his gracious tribute to a grand old man of the bar—John Lord O'Brian. What the Chief Justice recognized was the 50th anniversary of Mr. O'Brian's admission to the bar of the Supreme Court and the high quality of the service he has rendered as a minister of justice in that half century. An occasion so fraught with nostalgia and a sense of great achievement in the law serves to evoke a flood of memories, and its real significance seems to be that it links the name of John Lord O'Brian with the giants who in the past have argued before the Supreme Court over long periods of time.

The list of great advocates interwoven into the history of the Court includes such men as Daniel Webster and John C. Calhoun and in a later day such men as Joseph H. Choate, Frederic R. Coudert, John W. Davis, Charles Evans Hughes, and George Wharton Pepper. Mr. O'Brian may not be as well known as some of these, but he is as favorably known for his keen understanding of the law, his liberal spirit and his lovable personality. It is a pleasure to join with the Chief Justice in saluting him.

DISARMAMENT AND THE RESUMPTION OF NUCLEAR TESTS

Mr. HUMPHREY. Mr. President, yesterday I stated to the Senate that it is my intention, as chairman of the Subcommittee on Disarmament of the Committee on Foreign Relations, to keep Senators as well informed as one can, in light of the developments in the Pacific, with respect to nuclear test experiments and the developments at Geneva concerning disarmament.

This morning at the Geneva Conference the so-called nonalined nations urged the continuation of a search for a nuclear test ban treaty. I remind the Senate that this is the position of the Government of the United States.

While the so-called nonalined countries deplored the fact that the United States had found it necessary to resume atmospheric nuclear weapons testing, nevertheless the nonalined delegations did not fail to recall that the latest cycle of tests was initiated by the Soviet Union last autumn. I mention this because Senators will recall that at the time of the Belgrade Conference, which coincided with the resumption of nuclear tests by the Soviet Union, there was considerable adverse comment in the United States and elsewhere about what appeared to be the lack of public and private indignation and condemnation of the resumption of nuclear tests on the part of the so-called neutral nations meeting in Belgrade.

The eight neutral nations which are attending the Disarmament Conference in Geneva have not singled out the United States for chastisement or criticism. While they have urged that the tests be not renewed, as I have just indicated, the reports from Geneva today reveal that the nonalined delegations recalled that the latest cycle of tests was initiated by the Soviet Union last autumn.

The situation at the Conference in Geneva is as favorable to the United States as we could hope to expect under the present circumstances. The nonalined states have shown they are not one sided in their attitude toward nuclear testing. They have not accepted the Soviet contention that negotiations leading toward a test ban are fruitless while the United States is conducting its own series of nuclear tests. To the contrary, the nonalined nations have urged that even as those tests are underway, the discussions in Geneva should continue. The Soviet delegate, Mr. Zorin, has said that all discussions ought to be stopped because they are fruitless so long as the United States conducts tests. So Mr. Zorin did not win his point. The neutralists apparently share wholeheartedly the desire of the United States to intensify efforts to reach agreement on the cessation of nuclear testing.

I emphasize that the neutralist nations have endorsed the principle of inspection. Again, this is contrary to the position taken by Mr. Zorin. Mr. Zorin's position at the Geneva Conference is strangely similar to positions announced in other quarters. He has said the discussions ought to be stopped; that the Conference is getting nowhere; that the delegates should go home. He even condemned the disarmament proposal of the United States on the basis that we were relying too much on the United Nations. He said the United Nations police force would be under the control of the United States. Yet there are those in the United States who feel that the disarmament proposal which was presented at Geneva should not be given serious consideration because the United States was relying too much on the United Nations. Those persons take the same position as that taken by Mr. Zorin of the Soviet Union. Strange company. Therefore, the Soviet Union was unsuccessful today—as it was yesterday, and as I think it will be in the days to come—in its efforts to shift to the United States the blame for the resumption of testing, and in its efforts to find a way to break down this important Conference.

At the Conference Mr. Zorin is apparently attempting to do what was attempted to be done at the Geneva Test Ban Conference of some months ago, when the Soviet delegation refused to make any overt moves or to negotiate or to make any concessions or even to discuss intelligently the draft treaty or proposal of the United States and the United Kingdom.

I mention this today because I know all of us are watching to see what the reaction will be around the world to the U.S. renewal of these tests. I am confident that practically every Member of the Senate feels that these tests need to be undertaken, as I have said before, even though they are undertaken reluctantly and with heavy hearts.

But it is gratifying to find that although nonalined nations and even some friendly nations may be critical about our resumption of the tests, they do not place full responsibility for this upon the United States. In fact, they have made it quite clear that this resumption of testing was forced upon our country by the breach of faith of the Soviet Union and by the Soviet violation of the moratorium and the agreement on the cessation of nuclear tests.

I hope that in the days to come this attitude of objectivity will be preserved.

NEW YORK GRAND JURY INDICTMENT OF STEEL COMPANIES

Mr. HUMPHREY. Mr. President, this afternoon I have been asked several times by representatives of the press, the radio, and the television to make a comment on the action of the grand jury in New York which this afternoon returned an indictment against the United States Steel Corp. and several other steel companies.

I wish to make it quite clear that this indictment is totally unrelated to the recent controversy over steel prices, and is the result of an investigation over a period of several months—an investigation instituted without any connection whatever to the recent controversy over the $6-a-ton increase in the price of steel and its subsequent reversal.

I say this because, in view of the coincidence of this action by the grand jury, it might very well be interpreted as a

punitive measure as regards the steel industry, because of the recent price increase.

I checked on this matter with the Department of Justice, because I, too, was concerned. As I have already said, I find the investigation was begun many months ago. In fact, some investigations were begun several years ago; and this indictment follows very much in the same pattern as that of the indictment against certain electrical companies, some 1½ years or so ago, for price fixing and the rigging of bids.

Mr. President, a grand jury indictment is but the first step in a legal process. A company or an individual is not guilty merely because of a grand jury indictment. Guilt or innocence is established by the courts of law. Therefore, I think we should withhold judgment on these matters until what we call due process of law is fulfilled.

However, if the courts, after the presentation of evidence and after rue process of law has been fiulfilled, determine that the companies have been conspiring to set prices and to rig bids, these will be matters of most serious concern to the American people. The setting of prices, and the rigging of bids cause artificially high prices, and are very serious matters for the consumers, the manufacturers, the total American economy, and, indeed, the Government of the United States.

In connection with this particular indictment, I understand the companies involved were bidding upon defense contracts—primarily contracts for items to be supplied to the U.S. Navy, items sought by the Defense Department. To cause artificially higher prices by rigging bids or setting prices on defense contracts is the same as taking dollars out of the pocket of every U.S. taxpayer.

Furthermore, if it is proven that a basic industry is willfully violating the antitrust laws and the antimonopoly laws, then obviously it will be necessary for the Government of the United States and the leadership of American business to take stern and effective measures of reform in order to insure that a truly free, competitive situation will be restored in that industry.

I believe we must understand that free private enterprise is endangered and injured, if not actually destroyed, by monopolistic practices.

Therefore, if we are to preserve our free, competitive economy—which I believe to be one of our major objectives—we must see to it that there is free and fair competition in the marketplace. This applies to both small business and big business. At least the competition must be conducted within the established rules of the economy and as determined by the responsible public authorities.

Rigged prices or prices established by conspiratorial activity not only injure competition here at home, but also have a way of eroding and corroding the efficiency of business. They have a way of establishing a kind of built-in protectionism which compensates for inefficiency and obsolescence. The only way by which Amerian industry can be competitive is by being modern and efficient, and the only way by which American industry can maintain its markets at home and abroad is by modernizing and by being efficient in both its production and its distribution practices.

Yesterday, I said here that we are facing the toughest competition in our history, from our best friends in Western Europe; and in 3 years our friends in Western Europe will have over 45 million tons of excess steel production capacity—over and above their needs; and Western Europe will, in the Common Market, seek new markets. The Western European companies are modern, efficient, and automated, and their prices are highly competitive. If we are to face such competition, we cannot engage in pricing practices and monopolistic practices and other outmoded and, I believe, inefficient practices, without paying a terrible price, in terms of loss of income, loss of jobs, loss of profits, and loss of markets.

I wish to make it quite clear that I am not one who believes that merely because a grand jury brings in an indictment the person or company indicted stands convicted. However, I do say the matter is one of most serious concern. This is now a matter for the courts. It is not a matter for any political vendetta or any political partisanship.

We are very proud of American industry, and I want our Government, whether it be a Democratic administration or a Republican administration, to give just and fair cooperation to every segment of our economy; and that includes American industry, which provides jobs in the production of goods and the rendering of services.

I make this statement today because there are those, who, regrettably, and I think mistakenly, think the recent action of the President and the Attorney General and other officers of the Government in the steel price increase situation represents an antagonistic attitude by this administration toward American business.

Nothing could be more false. Nothing could be further from the truth. This administration has within its ranks, in top positions, some of the leading members of the business community, men who have made their mark because of their efficiency, ability and competence, men like the Secretary of the Treasury, Mr. Dillon, men like the Secretary of Defense, Mr. McNamara, men like the Secretary of Commerce, Mr. Hodges.

I mention those only as typical. There are many others. I do not wish those few to be thought of as the only top business representatives in the administration. Today this Government is recruiting from business hundreds of its most talented members for our foreign-aid program. We are recruiting from business some of the ablest persons for our regulatory agencies. This administration is neither probusiness, prolabor, or pro this, or pro that, except to see that it serves the national interest. It is not antibusiness. It is procompetition. It is for competition, but for fair competition, within the rules of fairplay, and not within the rules of the jungle.

I hope some attention will be paid to some of the suggestions that have been made in other days here in the Senate relating to these problems, and to my own suggestion to establish a national commission of top-level, high-grade people, vitally concerned about the economic well-being of our country, a national commission to look into the pricing, competitive production, and distributive practices of the steel industry, along with labor-management practices, advertising practices, and all the economic practices. I think it would be helpful. I think, at least if it were properly staffed in terms of technical personnel as well as the membership of the remainder of its staff, it would be helpful.

I have urged that such a commission consist of members of the business community who know about business conditions, members of labor who know about labor-management and production problems, economists who are objective and fair, financiers who understand the need of capital for business modernization, tax experts who understand the role of taxation, both as an incentive and as an obstruction to business growth and expansion.

I would like to see such a commission. I think it is long overdue. I think it would be helpful and would add much to stimulating a higher standard of ethics and a better standard of fair competitive practices in the American business community.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am very glad to yield.

Mr. CASE of New Jersey. I am glad to have the Senator reiterate his suggestion of a few days ago in relation to a top-level commission for the purposes which he has again expressed. I take it the purpose also would be to help industry to modernize its plant and equipment. This is a part of the concept which the Senator from Minnesota has in mind for the commission, as I understand.

Mr. HUMPHREY. The Senator is absolutely correct.

Mr. CASE of New Jersey. I am happy to say that, in my small way and with my small voice, I have on previous occasions picked up the suggestion and urged that action be taken on it. I hope very much that will be the course the administration will follow.

Mr. HUMPHREY. I thank the Senator. His effort and interest in this direction make me feel it is that much more of a worthwhile endeavor and proposal.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, I do not believe there is any further business to come before the Senate at this time. Therefore, I now move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 15 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 27, 1962, at 12 o'clock meridian.